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मध्यप्रदेश राजापत्र

प्राधिकार से प्रकाशित

क्रमांक 34]

भोपाल, शुक्रवार, दिनांक 23 अगस्त 2013—भाद्र 1, शक 1935

विषय-सूची

भाग 1.—(1) राज्य शासन के आदेश, (2) विभाग प्रमुखों के आदेश, (3) उच्च न्यायालय के आदेश और अधिसूचनाएं, (4) राज्य शासन के संकल्प, (5) भारत शासन के आदेश और अधिसूचनाएं, (6) निर्वाचन आयोग, भारत की अधिसूचनाएं, (7) लोक-भाषा परिशिष्ट।

भाग 2.—स्थानीय निकाय की अधिसूचनाएं।

भाग 3.—(1) विज्ञापन और विविध सूचनाएं, (2) सांख्यिकीय सूचनाएं।

भाग 4.—(क) (1) मध्यप्रदेश विधेयक, (2) प्रवर समिति के प्रतिवेदन, (3) संसद में पुरास्थापित विधेयक, (ख) (1) अध्यादेश, (2) मध्यप्रदेश अधिनियम, (3) संसद के अधिनियम, (ग) (1) प्रारूप नियम, (2) अंतिम नियम।

भाग १

राज्य शासन के आदेश

सामान्य प्रशासन विभाग
मंत्रालय, वल्लभ भवन, भोपाल

भोपाल, दिनांक 10 जुलाई 2013

क्र. ई-5-732-आयएएस-लीव-5-एक.—(1) श्री आकाश त्रिपाठी, आयएएस., कलेक्टर, जिला इन्डौर को समसंख्यक आदेश दिनांक 10 मई 2013 द्वारा दिनांक 13 से 17 मई 2013 तक पांच दिन का अर्जित अवकाश स्वीकृत किया गया था, के अनुक्रम में उन्हें दिनांक 18 से 23 मई 2013 तक छः दिन का अर्जित अवकाश कार्योत्तर स्वीकृत किया जाता है।

(2) अवकाशकाल में श्री आकाश त्रिपाठी को अवकाश वेतन एवं भत्ता उसी प्रकार देय होगा जो उन्हें अवकाश पर जाने के पूर्व मिलता था।

(3) प्रमाणित किया जाता है कि यदि श्री आकाश त्रिपाठी, अवकाश पर नहीं जाते तो अपने पद पर कार्य करते रहते।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
आर. परशुराम, मुख्य सचिव।

योजना, आर्थिक एवं सांख्यिकी विभाग

मंत्रालय, वल्लभ भवन, भोपाल
भोपाल, दिनांक 2 अगस्त 2013

क्र. एफ-10-28-2010-तेर्इस-योआसां—राज्य शासन द्वारा मध्यप्रदेश जिला योजना समिति अधिनियम, 1995 की धारा 4 की उपधारा 3(ग) तथा संशोधित अध्यादेश की धारा 4(1) में प्रदत्त

अधिकारों के तहत नीचे दी गई सारणी के कॉलम (2) में विनिर्दिष्ट अशासकीय सदस्यों को कॉलम (3) में विनिर्दिष्ट जिले की जिला योजना समिति में तत्काल प्रभाव से आगामी दो वर्ष की कालावधि के लिए नाम निर्दिष्ट किया जाता है :—

क्र.	अशासकीय सदस्यों के नाम	जिला योजना समिति
(1)	(2)	(3)
1	श्री अभय प्रताप सिंह यादव	टीकमगढ़
2	श्री राजेन्द्र जैन बड्डे	टीकमगढ़

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
पी. के. सिन्धार्थ, उपसचिव.

गृह विभाग
मंत्रालय, वल्लभ भवन, भोपाल
भोपाल, दिनांक 12 अगस्त 2013

क्र. एफ 1 (ए) 83-2011-ब-2-दो.—श्री पुरुषोत्तम शर्मा, भापुसे, पुलिस अधीक्षक, छिंदवाड़ा को दिनांक 30 मई से 9 जून 2013 तक कुल र्यारह दिवस लघुकृत अवकाश उपभोग पश्चात् स्वीकृत किया जाता है.

(2) अवकाशकाल में श्री पुरुषोत्तम शर्मा, भापुसे, को अवकाश वेतन एवं भत्ता उसी प्रकार देय होगा जो उन्हें अवकाश पर जाने के पूर्व मिलता था.

(3) प्रमाणित किया जाता है कि यदि श्री पुरुषोत्तम शर्मा, भापुसे, उक्त अवकाश पर नहीं जाते तो अपने पद पर बने रहते.

क्र. एफ 1 (ए) 400-88-ब-2-दो.—श्री पुरुषोत्तम शर्मा, भापुसे, अति. पुलिस महानिदेशक, (पुलिस सुधार/सामुदायिक पुलिसिंग), पुलिस मुख्यालय, भोपाल को दिनांक 19 अगस्त से 12 सितम्बर 2013 तक पच्चीस दिवस अर्जित अवकाश, 17, 18 अगस्त 2013 के विज्ञप्त अवकाश के लाभ के साथ स्वीकृत किया जाता है.

(2) श्री पुरुषोत्तम शर्मा, भापुसे, के अवकाश अवधि में इनका कार्य श्री स्वर्ण सिंह, भापुसे, अतिरिक्त पुलिस महानिदेशक, (अजाक), पुलिस मुख्यालय, भोपाल द्वारा वर्तमान कार्य के साथ-साथ संपादित किया जायेगा.

(3) अवकाश से लौटने पर श्री पुरुषोत्तम शर्मा, भापुसे, को अस्थाई रूप से, आगामी आदेश तक, स्थानापन्न अतिरिक्त पुलिस

महानिदेशक, (पुलिस सुधार/सामुदायिक पुलिसिंग), पु.मु., भोपाल के पद पर पुनः पदस्थ किया जाता है.

(4) श्री पुरुषोत्तम शर्मा, भापुसे, अतिरिक्त पुलिस महानिदेशक, (पुलिस सुधार/सामुदायिक पुलिसिंग), पु.मु., भोपाल द्वारा कार्यभार ग्रहण करने पर कंडिका-2 में अतिरिक्त कार्यभार हेतु निर्देशित अधिकारी स्वमेव अतिरिक्त कार्यभार से मुक्त होंगे.

(5) अवकाशकाल में श्री पुरुषोत्तम शर्मा, भापुसे, को अवकाश वेतन एवं भत्ता उसी प्रकार देय होगा जो उन्हें अवकाश पर जाने के पूर्व मिलता था.

(6) प्रमाणित किया जाता है कि यदि श्री पुरुषोत्तम शर्मा, भापुसे, उक्त अवकाश पर नहीं जाते तो अपने पद पर बने रहते.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
इंद्रनील शंकर दाणी, अपर मुख्य सचिव.

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 8 अगस्त 2013

फा. क्र. 1(अ)3-2003-इक्कीस-ब(दो).—राज्य शासन, महाधिवक्ता कार्यालय, जबलपुर में कार्यरत श्री विवेक अग्रवाल, शासकीय अधिवक्ता, महाधिवक्ता कार्यालय, जबलपुर को उप महाधिवक्ता के पद पर उनके द्वारा कार्यभार ग्रहण करने के दिनांक से एक वर्ष के लिए एतद्वारा नियुक्त करता है.

फा. क्र. 1(अ)3-2003-इक्कीस-ब(दो).—राज्य शासन, श्री करणजीत सिंह बाधवा, अधिवक्ता, जबलपुर को अतिरिक्त महाधिवक्ता के पद पर, महाधिवक्ता कार्यालय, जबलपुर में उनके द्वारा कार्यभार ग्रहण करने के दिनांक से एक वर्ष के लिए एतद्वारा नियुक्त करता है.

भोपाल, दिनांक 13 अगस्त 2013

फा. क्र. 1(अ)3-2003-इक्कीस-ब(दो).—राज्य शासन, इस विभाग के समसंबद्ध आदेश दिनांक 8 अगस्त 2013 में निमानुसर संशोधन करता है :—

संशोधन

आदेश दिनांक 8 अगस्त 2013 में अंकित नाम श्री करणजीत सिंह बाधवा के स्थान पर श्री करणजीत सिंह बाधवा पढ़ा जावे.

भोपाल, दिनांक 14 अगस्त 2013

फा. क्र. 1 (सी)-14-2013-एट्रोसिटी-इक्कीस-ब(दो), 2013.—राज्य शासन, अनुसूचित जाति और अनुसूचित जनजाति (अत्याचार निवारण) अधिनियम, 1989 की धारा 14 के अनुसार विनिर्दिष्ट विशेष न्यायालय के लिये अधिनियम की धारा 15 के अन्तर्गत श्री प्रेमनारायण मालाकार, अधिवक्ता को, जिला राजगढ़ (व्यावरा) में विशेष लोक अभियोजक नियुक्त करता है।

उक्त नियुक्ति उनके द्वारा कार्यभार ग्रहण करने के दिनांक से तीन वर्ष के लिये होगी। यह नियुक्ति बिना कोई कारण बताये समाप्त की जा सकती है। किसी भी स्थिति में 62 वर्ष की आयु के पश्चात् वे उक्त पद पर कार्य करने हेतु अर्ह नहीं होंगे।

नियुक्त अभिभाषक को शुल्क आदि विधि और विधायी कार्य विभाग के आदेश क्रमांक 1(सी)एट्रोसिटी-इक्कीस-ब(दो), दिनांक 24 अप्रैल 2008 के अनुरूप देय होंगे।

इस संबंध में होने वाला व्यय मांग संख्या-64-मुख्य शीर्ष-2225-(5171) विशेष न्यायालयों की स्थापना-31-व्यावसायिक सेवाओं हेतु अदायगियां-003-अभिभाषकों को फीस के अन्तर्गत विकलनीय होगा।

देयक का भुगतान उक्त शीर्ष से संबंधित जिला एवं सत्र न्यायाधीश द्वारा किया जावेगा।

फा. क्र. 1 (सी)-15-2013-एट्रोसिटी-इक्कीस-ब(दो), 2013.—राज्य शासन, अनुसूचित जाति और अनुसूचित जनजाति (अत्याचार निवारण) अधिनियम, 1989 की धारा 14 के अनुसार टीकमगढ़ जिले के लिये विनिर्दिष्ट विशेष न्यायालय के लिये अनुसूचित जाति और अनुसूचित जनजाति (अत्याचार निवारण) नियम, 1995 के नियम 4(1) के अनुसार श्री सुभाष जैन, अधिवक्ता को जिला टीकमगढ़ में विशिष्ट ज्येष्ठ अधिवक्ता नियुक्त करता है।

उक्त नियुक्ति उनके द्वारा कार्यभार ग्रहण करने के दिनांक से तीन वर्ष के लिये होगी। यह नियुक्ति बिना कोई कारण बताये समाप्त की जा सकती है। किसी भी स्थिति में 62 वर्ष की आयु के पश्चात् वे उक्त पद पर कार्य करने हेतु अर्ह नहीं होंगे।

विशेष लोक अभियोजक की अनुपस्थिति के दिनांक पर विशेष न्यायालय में केवल उस दिन की कार्यवाही हेतु पैनल अधिवक्ताओं को कार्य चक्रानुक्रम से जिला दण्डाधिकारी द्वारा आवंटित किया जायेगा।

नियुक्त अभिभाषक को शुल्क आदि विधि और विधायी कार्य विभाग के आदेश क्रमांक 1 (सी)एट्रोसिटी-इक्कीस-ब(दो), दिनांक 24 अप्रैल 2008 के अनुरूप देय होंगे।

इस संबंध में होने वाला व्यय मांग संख्या-64-मुख्य शीर्ष-2225-(5171) विशेष न्यायालयों की स्थापना-31-व्यावसायिक सेवाओं हेतु अदायगियां-003-अभिभाषकों को फीस के अन्तर्गत विकलनीय होगा।

देयक का भुगतान उक्त शीर्ष से संबंधित जिला एवं सत्र न्यायाधीश द्वारा किया जावेगा।

फा. क्र. 1 (सी)-32-2004-एट्रोसिटी-इक्कीस-ब(दो), 2013.—राज्य शासन, इस विभाग के समसंख्यक आदेश दिनांक 16 दिसम्बर 2008 द्वारा नियुक्त श्री जगदीश प्रसाद कुम्हर, अधिवक्ता, जिला टीकमगढ़ के कार्यकाल में कार्यकाल समाप्ति होने के दिनांक 16 दिसम्बर 2011 से पुनः तीन वर्ष के लिये विशेष लोक अभियोजक, टीकमगढ़ के रूप में पुर्णनियुक्त (कार्यकाल में वृद्धि) करता है। यह नियुक्ति बिना कोई कारण बताये समाप्त की जा सकती है। किसी भी स्थिति में 62 वर्ष की आयु के पश्चात् वे उक्त पद पर कार्य करने हेतु अर्ह नहीं होंगे।

नियुक्त अभिभाषक को शुल्क आदि विधि और विधायी कार्य विभाग के आदेश क्रमांक 1(सी)एट्रोसिटी-इक्कीस-ब(दो), दिनांक 24 अप्रैल 2008 के अनुरूप देय होंगे।

इस संबंध में होने वाला व्यय मांग संख्या-64-मुख्य शीर्ष-2225-(5171) विशेष न्यायालयों की स्थापना-31-व्यावसायिक सेवाओं हेतु अदायगियां-003-अभिभाषकों को फीस के अन्तर्गत विकलनीय होगा।

देयक का भुगतान उक्त शीर्ष से संबंधित जिला एवं सत्र न्यायाधीश द्वारा किया जावेगा।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
के. डी. खान, प्रमुख सचिव।

भोपाल, दिनांक 8 अगस्त 2013

फा. क्र. 1(अ)3-2003-इक्कीस-ब(दो).—राज्य शासन, श्री राजकुमार अवस्थी एवं श्री देवेन्द्र चौबे, अधिवक्ता, ग्वालियर को उप-शासकीय अधिवक्ता के पद पर, अतिरिक्त महाधिवक्ता कार्यालय, ग्वालियर में उनके द्वारा कार्यभार ग्रहण करने के दिनांक से एक वर्ष के लिए एतद्वारा नियुक्त करता है।

फा. क्र. 1(अ)3-2003-इक्कीस-ब(दो).—राज्य शासन, श्री एस.डी. खान, अधिवक्ता, जबलपुर को शासकीय अधिवक्ता के पद पर एवं श्री स्वप्निल गांगुली, अधिवक्ता, जबलपुर को उप-शासकीय अधिवक्ता के पद पर महाधिवक्ता कार्यालय, जबलपुर में उनके द्वारा कार्यभार ग्रहण करने के दिनांक से एक वर्ष के लिए एतद्वारा नियुक्त करता है।

भोपाल, दिनांक 13 अगस्त 2013

फा. क्र. 1(सी)13-2012-इक्कीस-ब(दो).—राज्य शासन, श्री मनोज द्विवेदी, अतिरिक्त महाधिवक्ता उच्च न्यायालय खण्डपीठ, इन्दौर को, माननीय उच्च न्यायालय खण्डपीठ, इन्दौर के समक्ष लंबित राज्य अर्थिक अपराध अन्वेषण व्यूरो, मध्यप्रदेश के दाण्डिक प्रकरणों, अपील, पुनरीक्षण एवं अन्य विविध दाण्डिक मामलों में पैरवी करने हेतु दण्ड प्रक्रिया संहिता, 1973 (क्रमांक 2 सन् 1974) की धारा 24 की उपधारा (8) के अंतर्गत अन्य आदेश होने तक, एतद्वारा विशेष लोक अभियोजक नियुक्त करता है।

भोपाल, दिनांक 14 अगस्त 2013

फा. क्र. 1(बी)2-2013-इक्कीस-ब(दो).—दण्ड प्रक्रिया संहिता, 1973 (क्रमांक 2, सन् 1974) की धारा 24 की उपधारा (3) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, राज्य शासन, एतद्वारा, श्री रामनरेश त्रिपाठी पुत्र श्री अयोध्या प्रसाद त्रिपाठी, अधिवक्ता को उनके कार्यभार ग्रहण करने के दिनांक से एक वर्ष की अवधि के लिये अनूपपुर सत्र खण्ड के अनूपपुर राजस्व जिले के लिये लोक अभियोजक जिला अनूपपुर नियुक्त करता है, तथापि यह नियुक्ति एक माह का सूचना-पत्र देकर बिना कोई कारण बताये समाप्त की जा सकती है।

टीप.—श्री रामनरेश त्रिपाठी की जन्म तिथि 1 अक्टूबर 1954 (एक अक्टूबर उन्नीस सौ चौव्वन) है और उनकी दिनांक 30 सितम्बर 2016 (तीस सितम्बर दो हजार सोलह) को आयु 62 वर्ष पूर्ण होगी।

भोपाल, दिनांक 16 अगस्त 2013

फा. क्र. 1(बी)20-2004-इक्कीस-ब(दो).—राज्य शासन, इस विभाग के समसंब्यक्त आदेश दिनांक 29 दिसम्बर 2012 के तारतम्य में, स्पष्ट करता है कि पूर्व से नियुक्त श्री शिवनारायण वर्मा अतिरिक्त लोक अभियोजक, शिवपुरी के स्थान पर, श्री भगवान दास राठौर पुत्र श्री मदनलाल राठौर, अधिवक्ता शिवपुरी को, उनके कार्यभार ग्रहण करने के दिनांक से एक वर्ष की अवधि के लिये, शिवपुरी सत्र खण्ड के शिवपुरी राजस्व जिले के लिये अतिरिक्त लोक अभियोजक शिवपुरी नियुक्त करता है, तथापि यह नियुक्ति एक माह का सूचना-पत्र देकर बिना कोई कारण बताये समाप्त की जा सकती है।

टीप.—श्री भगवान दास राठौर की जन्म तिथि 2 अक्टूबर 1972 (दो अक्टूबर उन्नीस सौ बहतर) है और उनकी दिनांक 1 अक्टूबर 2034 (एक अक्टूबर दो हजार चौतीस) को आयु 62 वर्ष पूर्ण होगी।

फा. क्र. 1(बी)-42-2004-इक्कीस-ब(दो).—दण्ड प्रक्रिया संहिता, 1973 (क्रमांक 2, सन् 1974) की धारा 24 की उपधारा (3) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, राज्य शासन, एतद्वारा, श्री दिनेश चन्द्र पाटीदार पुत्र श्री मुकन्दजी पाटीदार, अधिवक्ता को उनके कार्यभार ग्रहण करने के दिनांक से एक वर्ष की अवधि के लिये धार सत्रखण्ड के धार राजस्व जिले के लिये अतिरिक्त लोक अभियोजक तहसील कुक्की, जिला धार नियुक्त करता है, तथापि यह नियुक्ति एक माह का सूचना-पत्र देकर बिना कोई कारण बताये समाप्त की जा सकती है।

टीप.—श्री दिनेश चन्द्र पाटीदार की जन्म तिथि 8 मई 1969 (आठ मई उन्नीस सौ उन्हतर) है और उनकी दिनांक 7 मई 2031 (सात मई दो हजार इक्कीस) को आयु 62 वर्ष पूर्ण होगी।

फा. क्र. 1(बी)-07-2004-इक्कीस-ब(दो).—दण्ड प्रक्रिया संहिता, 1973 (क्रमांक 2, सन् 1974) की धारा 24 की उपधारा (3) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, राज्य शासन, एतद्वारा, श्री सूर्यकान्त पाण्डेय पुत्र स्व. श्री इन्द्रकमल पाण्डेय अधिवक्ता को उनके कार्यभार ग्रहण करने के दिनांक से एक वर्ष की अवधि के लिये सीधी सत्र खण्ड के सीधी राजस्व जिले के लिये अतिरिक्त लोक अभियोजक जिला सीधी नियुक्त करता है, तथापि यह नियुक्ति एक माह का सूचना-पत्र देकर बिना कोई कारण बताये समाप्त की जा सकती है।

टीप.—श्री सूर्यकान्त पाण्डेय की जन्म तिथि 4 मार्च 1966 (चार मार्च उन्नीस सौ छियासठ) है और उनकी दिनांक 3 मार्च 2028 (तीन मार्च दो हजार अट्ठाईस) को आयु 62 वर्ष पूर्ण होगी।

फा. क्र. 1(बी)-13-2004-इक्कीस-ब(दो).—दण्ड प्रक्रिया संहिता, 1973 (क्रमांक 2, सन् 1974) की धारा 24 की उपधारा (3) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, राज्य शासन, एतद्वारा, श्री सुनील कुमार विश्वकर्मा पुत्र श्री दामोदर जी विश्वकर्मा, अधिवक्ता को उनके कार्यभार ग्रहण करने के दिनांक से एक वर्ष की अवधि के लिये शाजापुर सत्र खण्ड के शाजापुर राजस्व जिले के लिये अतिरिक्त लोक अभियोजक जिला शाजापुर नियुक्त करता है, तथापि यह नियुक्ति एक माह का सूचना-पत्र देकर बिना कोई कारण बताये समाप्त की जा सकती है।

टीप.—श्री सुनील कुमार विश्वकर्मा की जन्म तिथि 16 अगस्त 1973 (सोलह अगस्त उन्नीस सौ तिहतर) है और उनकी दिनांक 15 अगस्त 2035 (पन्द्रह अगस्त दो हजार पैंतीस) को आयु 62 वर्ष पूर्ण होगी।

फा. क्र. 1(बी)-13-2004-इक्कीस-ब(दो).—दण्ड प्रक्रिया संहिता, 1973 (क्रमांक 2, सन् 1974) की धारा 24 की उपधारा (3) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, राज्य शासन,

एतद्वारा, श्री राकेश कुमार मारू पुत्र श्री सुरेन्द्र कुमार जी, अधिवक्ता को उनके कार्यभार ग्रहण करने के दिनांक से एक वर्ष की की अवधि के लिये शाजापुर सत्र खण्ड के शाजापुर राजस्व जिले के लिये अतिरिक्त लोक अभियोजक तहसील आगर, जिला शाजापुर नियुक्त करता है, तथापि यह नियुक्ति एक माह का सूचना-पत्र देकर बिना कोई कारण बताये समाप्त की जा सकती है।

टीप.— श्री राकेश कुमार मारू की जन्म तिथि 27 जून 1971 (सत्ताईस जून उनीस सौ एकहत्तर) है और उनकी दिनांक 26 जून 2033 (छब्बीस जून दो हजार तौंसीस) को आयु 62 वर्ष पूर्ण होगी।

फा. क्र. 1(बी)-33-2004-इक्वीस-ब(दो).—राज्य शासन, इस विभाग के समसंबंधक आदेश दिनांक 19 अगस्त 2004 द्वारा नियुक्त श्री बी. एस. पवार, अतिरिक्त शासकीय अभिभाषक/अति. लोक

अभियोजक, सीहोरे के कार्यकाल दिनांक 20 अक्टूबर 2010 को समाप्त होने के पश्चात् उन्हें दिनांक 21 अक्टूबर 2010 से दिनांक 20 अक्टूबर 2013 तक में तीन वर्ष की अवधि हेतु पुनर्नियुक्त इस शर्त के अधीन किया जाता है, कि यह नियुक्ति एक माह का सूचना-पत्र देकर बिना कोई कारण बताये समाप्त की जा सकती है।

टीप.— श्री बी.एस. पवार की जन्म तिथि 1 जनवरी 1954 (एक जनवरी उनीस सौ चौब्बन) है और उनकी दिनांक 31 दिसम्बर 2015 (एकतीस दिसम्बर दो हजार पन्द्रह) को आयु 62 वर्ष पूर्ण होगी।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
जे. एम. चतुर्वेदी, सचिव।

संस्कृति विभाग

मंत्रालय, बल्लभ भवन, भोपाल

भोपाल, दिनांक 6 अगस्त 2013

क्र. आर-1912-2013-तीस.—राज्य शासन की यह राय है कि नीचे दी गई अनुसूची में विनिर्दिष्ट किये गये प्राचीन स्मारक पुरातत्वीय स्थल तथा अवशेष को विनिष्ट किये जाने, क्षतिग्रस्त किये जाने, परिवर्तित किये जाने, विस्तृप्ति किये जाने, हटाये जाने, तितर-बितर किये जाने या उसका अपक्षय होने से संरक्षित करना आवश्यक है।

(2) अतएव, मध्यप्रदेश एस्थीयेन्ट मान्युमेन्ट्स एण्ड आकर्योलॉजीकल साईट्स एण्ड रिमेन्स एक्ट, 1964 (क्रमांक 12, सन् 1964) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, राज्य शासन, एतद्वारा दो माह पश्चात् उक्त प्राचीन स्मारक को राज्य संरक्षित स्मारक के रूप में घोषित करने के अपने आशय की सूचना देता है।

(3) किसी भी ऐसी आपत्ति पर, जो इस संबंध में उक्त प्राचीन स्मारक तथा पुरातत्वीय स्थल और अवशेष में हित रखने वाले किसी व्यक्ति से इस सूचना के “मध्यप्रदेश राजपत्र” में प्रकाशित होने के दिनांक से एक माह की कालावधि समाप्त होने के पूर्व प्राप्त हो, राज्य शासन द्वारा विचार किया जायेगा :—

अनुसूची

राज्य	जिला	तहसील	स्थल	स्मारक का नाम	राजस्व खण्ड क्रमांक जिसे संरक्षण में सम्मिलित करना है	क्षेत्रफल	स्वामित्व	धार्मिक पूजा के अधीन है अथवा नहीं
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
मध्यप्रदेश	होशंगाबाद	होशंगाबाद	जुमेराती	पुराने किले का हिस्सा।	शीट नं. 12	प्लाट नं. 2 2700 वर्गफीट।	नगरपालिका 2700 वर्गफीट।	नहीं होशंगाबाद।
मध्यप्रदेश	भोपाल	हुजूर	नवीन नगर ऐशबाग।	खुशवंतराय सक्षेना की छत्री।	1618 781	0.80 0.324	नवीन नगर गृह निर्माण सहकारी समिति मर्यादित, भोपाल।	नहीं निर्माण सहकारी समिति मर्यादित, भोपाल।

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
मध्यप्रदेश	राजगढ़	राजगढ़	राजगढ़	सेमली जागीर बावड़ी.	ख. नं. 146 ख. नं. 147	2.025 है. 0.013 है.	नर्मदागिर पिता भूभूतगिर, मध्यप्रदेश शासन.	नहीं
मध्यप्रदेश	राजगढ़	राजगढ़	लालबढ़	हांडीरानी की बावड़ी ग्राम लालबढ़.	ख. नं. 43 ख. नं. 44	0025 है. 0076 है.	मध्यप्रदेश शासन	नहीं
मध्यप्रदेश	राजगढ़	राजगढ़	राजगढ़	मोर पीपली बावड़ी ग्राम पीपली.	ख. नं. 51	0063 है.	मध्यप्रदेश शासन	नहीं
मध्यप्रदेश	राजगढ़	राजगढ़	राजगढ़	छनिहारी मंदिर, माचलपुर.	ख. नं. 697 ख. नं. 698	9.554 है. 20.805 है.	मध्यप्रदेश शासन	नहीं
मध्यप्रदेश	जबलपुर	सिहोरा	सिहोरा	प्राचीन बावड़ी, सिहोरा.	ख. नं. 321/1 ख. नं. 322/2	0.182 है. 0.202 है.	शासकीय चरनोई	नहीं
मध्यप्रदेश	सतना	उचेहरा	देवगुना	मंदिर समूह (प्राचीन विष्णु मंदिर, देवगुना).	ख. नं. 13	1152/0.125, 0.31 एकड़ का अंश भाग 46 36.50 मीटर.		
मध्यप्रदेश	उमरिया	मानपुर	रोहनिया	विश्वनाथ मंदिर (ज्वाला मुखी मंदिर) रोहनिया.	ख. नं. 157	1.000 है. 17.874 है.	मध्यप्रदेश शासन	हां (समिति के अधीन).
मध्यप्रदेश	अनूपपुर	पुष्पराजगढ़	धरहरकला	प्राचीन शिव मंदिर धरहरकला.	ख. नं. 427/1/2	9.198 है. रकबा 0.004 है.	मध्यप्रदेश शासन	नहीं
मध्यप्रदेश	खरगोन	सनावद	हिरापुर	प्राचीन मंदिर “हिरईदेवी”.	ख. नं. 376/2	1.518 है. 1.518 आबादी.	मध्यप्रदेश शासन	हां

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
विनोद कटेला, अपर सचिव.

आवास एवं पर्यावरण विभाग
मंत्रालय, वल्लभ भवन, भोपाल

भोपाल, दिनांक 13 अगस्त 2013

क्र. एफ-3-46-2012-बत्तीस.—मध्यप्रदेश नगर तथा ग्राम निवेश अधिनियम (संशोधित) 1973 (क्रमांक 1 सन् 2012) की धारा 23 “क” की उपधारा (2) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए राज्य सरकार, एतद्वारा, इस विभाग की सूचना क्रमांक एफ-3-46-

2012-बत्तीस, दिनांक 26 फरवरी 2013 एवं दिनांक 21 मई 2013 द्वारा उक्त धारा की उपधारा (2) द्वारा अपेक्षित किए गये अनुसार प्रवर्तित भोपाल विकास योजना, 2005 में उपांतरण की पुष्टि करती है। उपांतरण ब्याएर निमानुसार हैं :—

अनुसूची

क्रमांक	ग्राम	खसरा क्रमांक	क्षेत्रफल (एकड़ में)	विकास योजना में निर्दिष्ट भू-उपयोग	उपांतरण पश्चात् उपांतरित भू-उपयोग
(1)	(2)	(3)	(4)	(5)	(6)
1	ग्राम निशातपुरा	7/1, 98	10.14	यातायात	आवासीय शर्ते—रेल्वे सीमा से 30 मीटर तक खुला क्षेत्र रखा जावे।

(2) उपरोक्त उपांतरण अंगीकृत भोपाल विकास योजना, 2005 का एकीकृत भाग मान्य होगा।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
वर्षा नावलेकर, उपसचिव।

महिला एवं बाल विकास विभाग मंत्रालय, वल्लभ भवन, भोपाल

भोपाल, दिनांक 13 अगस्त 2013

क्र. एफ. 6-12-2013-पचास-2.—किशोर न्याय (बालकों की देखरेख और संरक्षण) अधिनियम, 2000 की धारा 4 की उपधारा (1) तथा (2) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुये, राज्य सरकार, एतद्वारा नीचे दी गई अनुसूची के कॉलम (2) में यथाविनिर्दिष्ट निम्नलिखित किशोर न्याय बोर्ड का गठन, कॉलम (3) में यथाविनिर्दिष्ट जिले के लिये करती है और उक्त अधिनियम के अधीन ऐसे बोर्ड को प्रदत्त शक्तियों का प्रयोग करने तथा कर्तव्यों का निवर्हन करने के प्रयोजनों के लिए उसके (अनुसूची के) क्रमशः (4) में यथाविनिर्दिष्ट सामाजिक कार्यकर्ता को नियुक्त करती है, अर्थात् :—

अनुसूची

क्र.	किशोर न्याय बोर्ड और उसका मुख्यालय	जिले का नाम	सामाजिक कार्यकर्ताओं का नाम
(1)	(2)	(3)	(4)
1	भोपाल	भोपाल	1. श्रीमती रीतु गोकुल पटवा—सदस्य 2. श्रीमती मृणालिनी अवस्थी—सदस्य

No. F. 6-12-2013-L-2.—In exercise of the powers conferred by sub-section (1) and (2) of Section 4 of the Juvenile Justice (Care & Protection of Children) Act, 2000, the State Government hereby constitutes the following Juvenile Justice Board as specified in the column (2) of the Schedule below, for the District as specified in column (3) and appoints Social Workers as specified in the column (4) respectively thereof for the purpose of exercising of the powers and discharging the duties conferred on such board under the said Act, namely :—

SCHEDULE

S.No.	Name of the Juvenile Justice Board & its Head Quarter	Jurisdiction (Revenue District)	Name of the Honorary Social Workers
(1)	(2)	(3)	(4)
1	Bhopal	Bhopal	1. Smt. Reetu Gokul Patwa—Member 2. Smt. Mrinalini Awasthi—Member

क्र. एफ. 6-12-2013-पचास-2.—किशोर न्याय (बालकों की देखरेख और संरक्षण) अधिनियम, 2000 की धारा 29 द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुये, राज्य सरकार, एतद्वारा नीचे दी गई अनुसूची के कॉलम (2) में विनिर्दिष्ट बाल कल्याण समिति का, उसके

(अनुसूची के) कॉलम (3) में की तत्स्थानी प्रविष्टि में विनिर्दिष्ट क्षेत्र के लिये गठन करती है, और (ख) उसके (अनुसूची के) कॉलम (4) में की तत्स्थानी प्रविष्टि में वर्णित व्यक्तियों को नियुक्त करती है :—

अनुसूची

अ. क्र.	बाल कल्याण समिति के मुख्यालय का जिला	अधिकारिता के अंतर्गत आने वाला (राजस्व-जिला)	अवैतनिक सामाजिक कार्यकर्ताओं का नाम
(1)	(2)	(3)	(4)
1	भोपाल	भोपाल	1. श्रीमती रचना पुरोहित—अध्यक्ष 2. डॉ. के. एस. दुबे—सदस्य 3. श्रीमती सीमा अग्रवाल—सदस्य 4. श्री सत्येन्द्र कुमार—सदस्य 5. श्री मोहन शर्मा—सदस्य

No. F. 6-12-2013-L-2.—In exercise of the powers conferred by sub-section (1) and (2) of Section 29 of the Juvenile Justice (Care & Protection of Children) Act, 2000, the State Government hereby constitutes the following Child Welfare Committee as specified in column (2) of the Schedule below, for the District as specified in the column (3) and appoints Social Workers as specified in column (4) respectively, thereof for the purposes of exercising the powers and discharging the duties conferred on such committee under the said Act, namely :—

SCHEDULE

S.No.	Name of the Child Welfare Committee & its District Head Quarter	Jurisdiction (Revenue District)	Name of the Honorary Social Workers
(1)	(2)	(3)	(4)
1	Bhopal	Bhopal	1. Smt. Rachana Purohit—Chair person 2. Dr. K.S. Dubey—Member 3. Smt. Seema Agarwal—Member 4. Shri Satyandra Kumar—Member 5. Shri Mohan Sharma—Member

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
खेमराज माहौर, अवर सचिव.

किसान कल्याण तथा कृषि विकास विभाग

मंत्रालय, वल्लभ भवन, भोपाल

भोपाल, दिनांक 20 अगस्त 2013

क्र. डी.-15-11-2005-चौदह-3.—मध्यप्रदेश कृषि उपज मण्डी अधिनियम, 1972 (क्रमांक 24 सन् 1973) की धारा 69 की उपधारा (1) एवं (2) के द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, पूर्व में जारी इस विभाग की अधिसूचना क्रमांक डी-15-11-2005-चौदह-3, दिनांक 12 जुलाई 2012, जो “राजपत्र” में दिनांक 20 जुलाई 2012 प्रकाशित हुई है की शर्तों एवं निबंधों के अधीन राज्य सरकार, एतद्वारा, ऐसी अधिसूचित कृषि उपज उड़इ/उरदा, मूंग, तुअर/अरहर, चना, मसूर एवं मटर/बटरा/बटरी, जो कि विदेशों से एवं या राज्य के बाहर से किसी मण्डी क्षेत्र में प्रसंस्करण में उपयोग के लिये लाइ गई हो, पर उक्त अधिनियम के अधीन देय मण्डी फीस के भुगतान से पूर्णतः छूट प्रदान करती है. लाइ गई उक्त अधिसूचित कृषि जिन्स का भौतिक सत्यापन मण्डी प्रांगण में मण्डी सचिव या उसके द्वारा इस कार्य के लिये प्राधिकृत कर्मचारी से कराये जाने के उपरांत ही यह छूट प्राप्त होगी.

मण्डी फीस के भुगतान से यह छूट “राजपत्र” में प्रकाशन उपरांत आगामी केवल एक वर्ष के लिये प्रवृत्त होगी.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
आर. के. त्रिपाठी, उपसचिव.

भोपाल, दिनांक 20 अगस्त 2013

क्र. डी.-15-11-2005-चौदह-3.—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, इस विभाग की समसंख्यक अधिसूचना दिनांक 20 अगस्त 2013 का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतदद्वारा प्रकाशित किया जाता है।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
आर. के. त्रिपाठी, उपसचिव।

Bhopal, the 20th August 2013

No. D-15-11-2005-XIV-3.—In exercise of the powers conferred sub-section (1) and (2) of Section 69 of the Madhya Pradesh Krishi Upaj Mandi Adhiniyam, 1972 (No. 24 of 1973), the State Government hereby subject to the conditions specified in this department's Notification No. D-15-11-2005-XIV-3, dated 12th July 2012 published in the "Gazette" on dated 20th July 2012, exempt, notified Agricultural produce Urad/Urda, Mung, Tuar/Arhar, Chana, Masoor and Mattar/Batra/Batri from payment of whole market fee payable under the said Act, which is brought from foreign and or out of the State for processing in the Dal-Mills established in the market area. Exemption from market fee would only be available when the said brought notified Agricultural commodities has been physical verified in the market yard by the Mandi Secretary and or Mandi Employee authorized for the purpose by him.

This notification for exemption from payment of market fee shall come in force from the date of its publication in "Gazette" for a period of only one year.

By order and in the name of the Governor of Madhya Pradesh,
R. K. TRIPATHI, Dy. Secy.

विभाग प्रमुखों के आदेश
कार्यालय, राज्यपाल का सचिवालय, मध्यप्रदेश, भोपाल

राजभवन, भोपाल दिनांक 14 अगस्त 2013

क्र. एफ. 1-3-13-रा.स.-यू.ए.1-874.—मध्यप्रदेश विश्वविद्यालय अधिनियम, 1973 (क्र. 22 सन् 1973) की धारा 13 की उपधारा (2) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कुलाधिपति, विक्रम विश्वविद्यालय, उज्जैन के द्वारा उक्त विश्वविद्यालय के नियमित कुलपति के पद पर नियुक्ति हेतु कम से कम तीन व्यक्तियों का पैनल अनुशंसित करने के लिये निम्नलिखित व्यक्तियों की समिति नियुक्ति की गई है :—

1. प्रो. ए. एस. ब्रार, कुलपति, गुरु नानक देव यूनिवर्सिटी, अमृतसर (पंजाब).	समिति के अध्यक्ष	कुलाधिपतिजी द्वारा नामांकित
2. प्रो. मोहम्मद मियां, कुलपति, मौलाना आजाद राष्ट्रीय उर्दू विश्वविद्यालय, हैदराबाद-500032.	समिति के सदस्य	अध्यक्ष, विश्वविद्यालय अनुदान आयोग द्वारा नामांकित
3. श्री रामेश्वर नीखरा, पूर्व सांसद एवं पूर्व अध्यक्ष, म. प्र. बार कौसिल, एम. आई. जी.-5, पुराना विधायक आवास गृह, रंगमहल टाकीज के सामने, जवाहर चौक, भोपाल (म. प्र.).	समिति के सदस्य	कार्यपरिषद् द्वारा निर्वाचित

(2) कुलाधिपतिजी के द्वारा प्रो. ए. एस. ब्रार को उक्त समिति का अध्यक्ष नियुक्त किया गया है।

(3) समिति इस अधिसूचना के प्रसारित होने की तिथि से छः सप्ताह की अवधि में पैनल प्रस्तुत करेगी।

कुलाधिपति, विक्रम विश्वविद्यालय, उज्जैन के आदेशानुसार,
विनोद सेमवाल, राज्यपाल के प्रमुख सचिव।

कार्यालय, कलेक्टर एवं जिला दण्डाधिकारी, जिला धार (मध्यप्रदेश)

धार, दिनांक 26 जुलाई 2013

क्र. 9881-रीडर-2-2013.—राष्ट्रीय राजमार्ग 59 इन्दौर-अहमदाबाद के घाटाबिल्लोद/डेहरीसराय से लेबड़ तक के भाग में, सड़क मार्ग अत्यन्त क्षतिग्रस्त होने के कारण असुरक्षित गड्ढे, पानी का भराव, पानी की निकासी न होने, कीचड़ के कारण फिसलन होने से, उक्त क्षेत्र से होकर निकलने वाले यातायात, संलग्न क्षेत्र के रहवासियों तथा उक्त क्षेत्र से होकर जाने वाले संलग्न क्षेत्रों के नागरिकों को हो रही परेशानी, दुर्घटना से सड़क जाम एवं वाहनों के उलटने के संबंध में जनप्रतिनिधियों, नागरिकों एवं समाचार-पत्रों के माध्यम से निरन्तर ध्यान आकर्षित किया गया है तथा शीघ्र सड़क मरम्मत की मांग की गई है।

(2) उक्त मार्ग भारतीय राष्ट्रीय राजमार्ग प्राधिकारी की ओर से मध्यप्रदेश सड़क विकास निगम को अंतरित हो गया है तथा म. प्र. सड़क विकास निगम द्वारा उक्त मार्ग के पुनर्निर्माण हेतु कार्यादेश भी जारी किए जा चुके हैं, उक्त कार्य एजेंसी द्वारा क्षतिग्रस्त भाग की मरम्मत प्राथमिकता पर किये जाने हेतु सहमति भी प्रदान की गयी है।

(3) पिछले दिनों अत्यधिक वर्षा के कारण वाहनों के क्षतिग्रस्त होने से, जाम लगने, यातायात बाधित होने से क्षेत्र की जनता में अत्यन्त आक्रोश एवं कानून व्यवस्था की स्थितियां उत्पन्न हो गई हैं, उक्त स्थितियों के कारण दिनांक 25 जुलाई 2013 से इन्दौर से अहमदाबाद, धार-रतलाम-नीमच, धार-कुक्षी, धार-मनावर जाने वाले लोक वाहनों द्वारा परिचालन आगामी तिथि तक स्थगित किया गया है, उक्त स्थितियों में क्षतिग्रस्त भाग को तत्काल दुरुस्त कराया जाना आवश्यक हो गया है। मौके के निरीक्षण तथा तकनीकी अधिकारियों द्वारा दिए गए परामर्श अनुसार उक्त क्षेत्र से भारी वाहनों का आवागमन प्रतिबंधित किए बगैर, संधारण की कार्यवाही संभव नहीं है।

(4) अतः पुलिस अधीक्षक, जिला धार से किए गए परामर्श अनुसार दण्ड प्रक्रिया संहिता, 1973 की धारा 144 के अन्तर्गत प्रदत्त शक्तियों का उपयोग करते हुए, मैं, सी. बी. सिंह, कलेक्टर एवं जिला दण्डाधिकारी, जिला धार, लोक शांति व्यवस्था बनाए, रखने की दृष्टि से, निमानुसार प्रतिबंध आदेशित करता हूँ :—

यह कि “लेबड़ घाटाबिल्लोद” मार्ग जो कि लेबड़ तिराहे से घाटाबिल्लोद तिराहे तक का भाग होकर, लगभग 5 कि. मी. है से होकर, उक्त मार्ग की मरम्मत होने तक भारी वाहनों के लिये प्रतिबंधित रहेगा।

रतलाम बदनावर की ओर से होकर आने वाले भारी वाहन जिन्हें उक्त मार्ग से होकर इन्दौर/पीथमपुर की ओर जाना है, लेबड़ मानपुर लिंक रोड से होकर मानपुर से ए. बी. रोड होकर जाएंगे।

यह कि इन्दौर से बेटमा होकर रतलाम-नीमच, धार, झाबुआ, अहमदाबाद की ओर जाने वाले मालवाही वाहन इन्दौर से राऊ, ए.बी. रोड, मानपुर-लेबड़ लिंक रोड से होकर जाएंगे।

ए. बी. रोड महू, पीथमपुर से रतलाम, नीमच, धार, झाबुआ, अहमदाबाद जाने वाले मालवाही वाहन ए. बी. रोड से मानपुर, मानपुर-लेबड़ लिंक रोड होकर जाएंगे।

ऐसे मालवाही वाहन जिन्हें लेबड़ घाटाबिल्लोद स्थित औद्योगिक इकाइयों में लोडिंग अनलोडिंग के लिये जाना है, के लिये वे वाहनों का प्रवेश परमिट पुलिस चौकी प्रभारी घाटाबिल्लोद से प्राप्त किया जाकर उक्त क्षेत्र में प्रवेश कर सकेंगे।

उक्त क्षेत्र में उक्त क्षेत्र के किनारे पर कोई भी खाली मालवाही वाहन खड़ा नहीं रखा जाएगा।

(5) व्यापक लोक सुविधा को देखते हुए यात्री वाहन, स्कूल बसें, उक्त क्षेत्र से संलग्न रहवासियों के वाहन तथा निर्माण एवं शासकीय प्रयोजन में संलग्न वाहन तथा दो पहिया वाहन उक्त क्षेत्र से आ-जा सकेंगे।

(6) पुलिस अधीक्षक जिला धार लेबड़ तिराहा, घाटाबिल्लोद तिराहा, (बेटमा-महू-घाटाबिल्लोद), (रतलाम लेबड़ धार) तथा पीथमपुर के पास ए. बी. रोड जंक्शन (मनाल चौपाटी) पर यातायात डायवर्शन की व्यवस्था करेंगे तथा आवश्यकतानुसार स्टॉपर संकेतक डायवर्शन रोड, रिफ्लॉकिंग सिग्नल्स आदि की व्यवस्था मध्यप्रदेश सड़क विकास निगम के द्वारा की जावेंगी।

(7) उक्त प्रतिबंधों का अधिकाधिक प्रचार-प्रसार दैनिक समाचार-पत्रों एवं स्थानीय क्षेत्र में लाउडस्पीकर के माध्यम से सहायक संचालक, जनसम्पर्क, तहसीलदार धार द्वारा कराया जावे, ताकि वाहन स्वामियों को असुविधा न हो।

चूंकि उक्त सर्व साधारण को सम्बोधित है एवं समयाभाव के कारण इसकी तामिली एवं सुनवाई सम्यक समय में करना संभव नहीं है, अतः यह आदेश धारा 144 की उपधारा (2) के अन्तर्गत एकपक्षीय रूप से पारित किया जाता है। उक्त आदेश के विक्षुब्ध व्यक्ति/संस्था द्वारा अधोहस्ताक्षरी के समक्ष लिखित एवं मौखिक में अपना पक्ष प्रस्तुत कर सकेगा।

उक्त आदेश तत्काल प्रभाव से लागू होगा।

सी. बी. सिंह, कलेक्टर एवं जिला दण्डाधिकारी।

राज्य शासन के आदेश

राजस्व विभाग

कार्यालय, कलेक्टर, जिला खण्डवा, मध्यप्रदेश एवं पदेन उपसचिव, मध्यप्रदेश शासन, राजस्व विभाग

खण्डवा, दिनांक 18 जून 2013

नस्ती क्र. 61-2013-एल.ए.-भू-अर्जन-प्र. क्र.-16-अ-82-2012-2013.—चूंकि, राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की, अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है। अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार इसके द्वारा, सभी संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है। राज्य शासन, इसके द्वारा, अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 4 की उपधारा (2) के अन्तर्गत प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)	(5)	(6)
(1)	(2)	(3)	(4)		
खण्डवा	पुनासा	लोंदी	1.25	कार्यपालन यंत्री, नर्मदा विकास संभाग क्रमांक 28, पुनासा।	इंदिरा सागर नहर परियोजना की सनावद वितरण शाखा की माईनर क्र. 13 की सब-माईनर क्र. 1 के निर्माण हेतु।

(2) भूमि का नक्शा (प्लान) का निरीक्षण, अनुविभागीय अधिकारी एवं भू-अर्जन अधिकारी, खण्डवा/कार्यपालन यंत्री, नर्मदा विकास संभाग क्रमांक-28, पुनासा के कार्यालय में किया जा सकता है।

नस्ती क्र. 63-2013-एल.ए.-भू-अर्जन-प्र. क्र.-17-अ-82-2012-2013.—चूंकि, राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की, अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है। अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार इसके द्वारा, सभी संबंधित व्यक्तियों को उक्त इस आशय की सूचना दी जाती है। राज्य शासन, इसके द्वारा, अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 4 की उपधारा (2) के अन्तर्गत प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)	(5)	(6)
(1)	(2)	(3)	(4)		
खण्डवा	पुनासा	बिलाया	2.17	कार्यपालन यंत्री, नर्मदा विकास संभाग क्रमांक 28, पुनासा।	इंदिरा सागर नहर परियोजना की सनावद वितरण शाखा की माईनर क्र. 13 की सब-माईनर क्र. 1 के निर्माण हेतु।

(2) भूमि का नक्शा (प्लान) का निरीक्षण, अनुविभागीय अधिकारी एवं भू-अर्जन अधिकारी, खण्डवा/कार्यपालन यंत्री, नर्मदा विकास संभाग क्रमांक-28, पुनासा के कार्यालय में किया जा सकता है।

खण्डवा, दिनांक 15 जुलाई 2013

नस्ती क्र. 60-2013-ए.ल.ए.-भू-अर्जन-प्र. क्र.-19-अ-82-2012-2013.—चूंकि, राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की, अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार इसके द्वारा, सभी संबंधित व्यक्तियों को उक्त इस आशय की सूचना दी जाती है. राज्य शासन, इसके द्वारा, अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 4 की उपधारा (2) के	सार्वजनिक प्रयोजन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)	अन्तर्गत प्राधिकृत अधिकारी	का वर्णन
(1)	(2)	(3)	(4)	(5)	(6)
खण्डवा	पुनासा	मसलाय	0.73	कार्यपालन यंत्री, नर्मदा विकास संभाग क्रमांक 28, पुनासा.	इंदिरा सागर नहर परियोजना की सनावद वितरण शाखा की माईनर क्र. 13 की सब-माईनर क्र. 1 के निर्माण हेतु.

(2) भूमि का नक्शा (प्लान) का निरीक्षण, अनुविभागीय अधिकारी एवं भू-अर्जन अधिकारी, खण्डवा/कार्यपालन यंत्री, नर्मदा विकास संभाग क्रमांक-28, पुनासा के कार्यालय में किया जा सकता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार, नीरज दुबे, कलेक्टर एवं पदेन उपसचिव.

कार्यालय, कलेक्टर, जिला दमोह, मध्यप्रदेश एवं पदेन उपसचिव, मध्यप्रदेश शासन, राजस्व विभाग

दमोह, दिनांक 4 जुलाई 2013

क्र. क-भू.अ.वि. अ.-2012-13-424.—चूंकि, राज्य शासन को यह प्रतीत होता है कि इसमें संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की, अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इसके द्वारा, इस आशय की सूचना दी जाती है. राज्य शासन, इसके द्वारा, अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा (4) की उपधारा (2)	सार्वजनिक प्रयोजन
जिला	तहसील/ तालुका	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)	द्वारा प्राधिकृत अधिकारी	का वर्णन
(1)	(2)	(3)	(4)	(5)	(6)
दमोह	दमोह	करैया हजारी प. ह. नं. 8/39	6.50 योग . . <u>6.50</u>	कार्यपालन यंत्री, जल संसाधन संभाग दमोह.	सिद्धबाबा जलाशय योजना बांध एवं बेस्ट वियर निर्माण किये जाने बाबत (पूरक प्रकरण)

(2) भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी (राजस्व) दमोह, कार्यपालन यंत्री, जल संसाधन संभाग, दमोह के कार्यालय में देखा जा सकता है.

दमोह, दिनांक 6 अगस्त 2013

क्र. 521-भू.अ. अ.-2012-13-प्र. क्र. अ-82-वर्ष 2012-2013.—चूंकि, राज्य शासन को यह प्रतीत होता है कि इसमें संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की, अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार इसके द्वारा, सभी संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है. राज्य शासन, इसके द्वारा, अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा (4) की उपधारा (2)	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील का नाम	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
दमोह	हटा	निवाई माफी	33 मकान	कार्यपालन यंत्री, जल संसाधन संभाग, दमोह.	पिपरिया जलाशय निर्माण में आने वाले मकानों का भू-अर्जन.

(2) भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी एवं भू-अर्जन अधिकारी, उपर्युक्त, हटा एवं कार्यपालन यंत्री, जल संसाधन संभाग, दमोह के कार्यालय में देखा जा सकता है.

दमोह, दिनांक 7 अगस्त 2013

क्र. 530-भू.अ. अ.-2012-13-प्र. क्र. अ-82-वर्ष 2012-2013.—चूंकि, राज्य शासन को यह प्रतीत होता है कि इसमें संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की, अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार इसके द्वारा, सभी संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है. राज्य शासन, इसके द्वारा, अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा (4) की उपधारा (2)	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील का नाम	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
दमोह	पटेरा	इमलिया रावत	0.09	कार्यपालन यंत्री, लोक निर्माण विभाग (भ/स), दमोह.	बधां इमलिया महेबा रसीलपुर मार्ग निर्माण में आने वाली भूमि का अर्जन.

(2) भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी एवं भू-अर्जन अधिकारी, उपर्युक्त, हटा एवं कार्यपालन यंत्री, लोक निर्माण विभाग (भ/स), दमोह के कार्यालय में देखा जा सकता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
स्वतंत्र कुमार सिंह, कलेक्टर एवं पदेन उपसचिव.

कार्यालय, कलेक्टर, जिला अलीराजपुर, मध्यप्रदेश एवं पदेन उपसचिव, मध्यप्रदेश शासन, राजस्व विभाग
अलीराजपुर, दिनांक 30 जुलाई 2013

क्र. भू-अर्जन-2013-863.—चूंकि, राज्य शासन को यह प्रतीत होता है कि इससे संलग्न सूची के खाने (1) से (4) में वर्णित भूमि की, अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है। अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इसके द्वारा, इस आशय की सूचना दी जाती है। राज्य शासन, इसके द्वारा अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है :—

अनुसूची

जिला	तहसील	भूमि का विवरण	ग्राम का नाम	लगभग क्षेत्रफल (हेक्टर में)	धारा 4 की उपधारा (2) के अन्तर्गत प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
(1)	(2)	(3)	(4)	(5)	(6)	
अलीराजपुर	जोबट	टैमाची		0.55	कार्यपालन यंत्री, जल संसाधन संभाग अलीराजपुर.	सार्वजनिक प्रयोजन हेतु छोटाईटारा सिंचाई तालाब निर्माण हेतु.

(2) भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी एवं भू-अर्जन अधिकारी जोबट तथा कार्यपालन यंत्री, जल संसाधन संभाग, अलीराजपुर के कार्यालय में कार्यालयीन समय में देखा जा सकता है।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
एन. पी. डेहरिया, कलेक्टर एवं पदेन उपसचिव.

कार्यालय, कलेक्टर, जिला रतलाम, मध्यप्रदेश एवं पदेन उपसचिव, मध्यप्रदेश शासन, राजस्व विभाग

रतलाम, दिनांक 3 अगस्त 2013

क्र. 3684-भू-अर्जन-2013-प्रकरण क्र. 40-अ-82-2012-13.—चूंकि, राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की, अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है। अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार, इसके द्वारा, सभी संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है। राज्य शासन, इसके द्वारा, अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) में दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है :—

अनुसूची

जिला	तहसील	भूमि का विवरण	ग्राम	लगभग क्षेत्रफल (हेक्टर में)	धारा 4 (2) के अन्तर्गत प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
(1)	(2)	(3)	(4)	(5)	(6)	
रतलाम	जावरा	बनाखेड़ा की भूमि सर्वे नं. 226/2		01.012	मुख्य नगरपालिका अधिकारी, नगरपालिका परिषद् जावरा.	जावरा शहर के चौपाटी क्षेत्र में बस स्टेण्ड की स्थापना हेतु निजी भूमि का अर्जन.

(2) भूमि का नक्शा व (प्लान) का निरीक्षण, अनुविभागीय अधिकारी, भू-अर्जन अधिकारी, उपखण्ड जावरा के कार्यालय में किया जा सकता है।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजीव दुबे, कलेक्टर एवं पदेन उपसचिव.

कार्यालय, कलेक्टर, जिला रीवा, मध्यप्रदेश एवं पदेन उपसचिव, मध्यप्रदेश शासन, राजस्व विभाग

रीवा, दिनांक 4 अगस्त 2013

क्र. 161-भू-अर्जन-2012-13.—चूंकि, राज्य शासन को यह प्रतीत होता है कि संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है। अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार, सभी संबंधित व्यक्तियों को, इसके द्वारा, इस आशय की सूचना दी जाती है। राज्य शासन, इसके द्वारा, अनुसूची के खाने (5) में उल्लिखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है :—

पूरक अनुसूची					
भूमि का वर्णन			धारा 4 (2) के		सार्वजनिक प्रयोजन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टर में)	अन्तर्गत प्राधिकृत अधिकारी	का वर्णन
(1)	(2)	(3)	(4)	(5)	(6)
रीवा	हनुमना	टटिहरा	2.152 कृषक भूमि	कार्यपालन यंत्री, जल संसाधन संभाग, रीवा (म. प्र.).	जूड़ा बांध योजना

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है—जूड़ा बांध योजना।

(3) भूमि का नक्शा कलेक्टर, कार्यालय में देखा जा सकता है।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
एस. एन. रूपला, कलेक्टर एवं पदेन उपसचिव।

कार्यालय, कलेक्टर, जिला भिण्ड, मध्यप्रदेश एवं पदेन उपसचिव, मध्यप्रदेश शासन, राजस्व विभाग

भिण्ड, दिनांक 5 अगस्त 2013

क्र. क्यू-भू-अर्जन-10568.—चूंकि, राज्य शासन को यह प्रतीत होता है कि संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है। अतः भू-अर्जन अधिनियम, 1894 संशोधन 1984 (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार इसके द्वारा सभी संबंधित व्यक्तियों को, इसके द्वारा, इस आशय की सूचना दी जाती है। राज्य शासन, इसके द्वारा, अनुसूची के खाने (5) में उल्लिखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है :—

अनुसूची						
भूमि का वर्णन			धारा 4 की उपधारा (2)		सार्वजनिक प्रयोजन	
जिला	तहसील/तालुका	नगर/ग्राम	क्षेत्रफल सर्वे नम्बर	रकबा (हेक्टेयर में)	द्वारा प्राधिकृत अधिकारी हेतु वर्णन	
(1)	(2)	(3)	(4)	(5)	(6)	
भिण्ड	गोरमी	कचनाव कलौ	453 454 455	0.23 0.21 0.38	संभागीय प्रबंधक, म. प्र. सङ्कालन विकास निगम, चंबल-संभाग ग्वालियर।	गोरमी-उदोतगढ़ मार्ग पर क्वारी नदी के पुल एवं पहुंच मार्ग निर्माण हेतु।

(1)	(2)	(3)	(4)	(5)	(6)
			456	0.05	
			457	0.02	
			458	0.21	
			451	0.02	
		462 मिन	462 मिन	0.03	
			योग . .	<u>1.15</u>	

(2) भूमि के नक्शे (प्लान) का निरीक्षण, भू-अर्जन अधिकारी कार्यालय, कलेक्ट्रेट, भिण्ड में किया जा सकता है।

क्र. क्यू-भू-अर्जन-10567.—चूंकि, राज्य शासन को यह प्रतीत होता है कि संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है। अतः भू-अर्जन अधिनियम, 1894 संशोधन 1984 (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार इसके द्वारा सभी संबंधित व्यक्तियों को, इस आशय की सूचना दी जाती है। राज्य शासन, इसके द्वारा, अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है :—

अनुसूची

जिला /तालुका	तहसील	नगर/ग्राम	भूमि का वर्णन		धारा 4 की उपधारा (2) द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन हेतु वर्णन
			सर्वे नम्बर	क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)	
भिण्ड	अटेर	शुक्लपुरा	1832	0.08	संभागीय प्रबंधक, म. प्र. सड़क	गोरमी-उदोतगढ़ मार्ग
			1833	0.05	विकास निगम, चंबल-संभाग,	पर क्वारी नदी के पुल एवं
			1834	0.08	ग्वालियर.	पहुंच मार्ग निर्माण हेतु,
			1835	0.10		
			1840	0.01		
			1813/3	0.02		
			1824	0.50		
			1825	0.03		
			1826	0.05		
			1827	0.38		
			1828	0.10		
			1830	0.01		
			1831	0.05		
			योग . .	<u>1.46</u>		

(2) भूमि के नक्शे (प्लान) का निरीक्षण, भू-अर्जन अधिकारी कार्यालय, कलेक्ट्रेट, भिण्ड में किया जा सकता है।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
एम. सिबि चक्रवर्ती, कलेक्टर एवं पदेन उपसचिव.

कार्यालय, कलेक्टर, जिला गुना, मध्यप्रदेश एवं पदेन उपसचिव, मध्यप्रदेश शासन, राजस्व विभाग

गुना, दिनांक 5 अगस्त 2013

प्र. क्र. 12-अ-82-2012-13-जमडेरा-371.—चूंकि, राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की, अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है। अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार इसके द्वारा, सभी संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है। राज्य शासन, इसके द्वारा अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 4 की उपधारा (2)	सार्वजनिक प्रयोजन
जिला	तहसील	ग्राम	लगभग क्षेत्रफल सर्वे नं रकबा (हेक्टर में)	द्वारा प्राधिकृत अधिकारी	का वर्णन
(1)	(2)	(3)	(4)	(5)	(6)
गुना	गुना	जमडेरा	किता-02 0.418	कार्यपालन यंत्री, जल संसाधन संभाग, गुना।	करके की महू तालाब निर्माण लघु सिंचाई परियोजना।

(2) भूमि का नक्शा (प्लान) कार्यपालन यंत्री, जल संसाधन संभाग, गुना एवं अनुविभागीय अधिकारी (राजस्व) अधिकारी, गुना के न्यायालय में देखा जा सकता है।

(3) इस संबंध में कोई आपत्ति हो तो अधिसूचना प्रकाशन तिथि के 30 दिवस के भीतर अनुविभागीय अधिकारी (राजस्व) गुना के समक्ष प्रस्तुत कर सकता है।

प्र. क्र. 13-अ-82-2012-13-जॉलमपुर-369.—चूंकि, राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की, अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है। अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार इसके द्वारा, सभी संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है। राज्य शासन, इसके द्वारा अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 4 की उपधारा (2)	सार्वजनिक प्रयोजन
जिला	तहसील	ग्राम	लगभग क्षेत्रफल सर्वे नं रकबा (हेक्टर में)	द्वारा प्राधिकृत अधिकारी	का वर्णन
(1)	(2)	(3)	(4)	(5)	(6)
गुना	गुना	जॉलमपुर	किता-77 104.099	कार्यपालन यंत्री, जल संसाधन संभाग, गुना।	करके की महू तालाब निर्माण लघु सिंचाई परियोजना।

(2) भूमि का नक्शा (प्लान) कार्यपालन यंत्री, जल संसाधन संभाग, गुना एवं अनुविभागीय अधिकारी (राजस्व) अधिकारी, गुना के न्यायालय में देखा जा सकता है।

(3) इस संबंध में कोई आपत्ति हो तो अधिसूचना प्रकाशन तिथि के 30 दिवस के भीतर अनुविभागीय अधिकारी (राजस्व) गुना के समक्ष प्रस्तुत कर सकता है।

कार्यालय, कलेक्टर, जिला शिवपुरी, मध्यप्रदेश एवं पदेन उपसचिव, मध्यप्रदेश शासन, राजस्व विभाग

शिवपुरी, दिनांक 7 अगस्त 2013

क्र.-भू-अर्जन-2013-1045.—चूंकि, राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की, अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है। अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इसके द्वारा इस आशय की सूचना दी जाती है। राज्य शासन, इसके द्वारा, अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है :—

जिला	तहसील	नगर या ग्राम	भूमि का वर्णन		धारा 4 की उपधारा (2) द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का विवरण
			प्रस्तावित क्षेत्रफल	अर्जित क्षेत्रफल		
			खसरा नं.	रकबा (हेक्टर में)		
(1)	(2)	(3)	(4)		(5)	(6)
शिवपुरी	करैरा	बडोरा	409	0.420	कार्यपालन यंत्री, जल संसाधन	टीला तालाब के निर्माण हेतु
			417/1	0.220	संभाग, शिवपुरी।	
			417/2/1	0.290		
			417/2/2	0.380		
			429	1.120		
			430/मिन-1	0.250		
			430/मिन-2	0.050		
			431	0.820		
			449	0.620		
			450	0.840		
			452/1/2	0.500		
			452/1/3	0.500		
			452/1/5	1.000		
			453	0.460		
			454	0.120		
			464	0.320		
			465	0.240		
			467	0.200		
			472	0.300		
			473/1	0.280		
			473/2	0.300		
			474	0.400		
			476/1/1	0.470		
			524/1	0.170		
			524/2	0.190		
			524/3	0.060		
			526/1/4	0.020		
			526/1/5	0.670		

(1)	(2)	(3)	(4)	(5)	(6)
		526/1/6	0.600		
		526/1/7	0.580		
		531	0.060		
		534	0.710		
		535	1.960		
		537/1	1.100		
		537/2	0.390		
		538/1	0.900		
		538/2/1	0.850		
		538/2/2	1.000		
		539/1	1.200		
		539/2/1	1.600		
		539/2/2	1.150		
		540/1	1.400		
		540/2	1.200		
		540/3/1	1.900		
		540/3/2	1.000		
		540/3/3	1.420		
		541	0.610		
		542/1	1.250		
		543	1.850		
		544	0.660		
		545	0.640		
		546	1.030		
		547	1.010		
		554/1	0.260		
		554/2	0.380		
		555	1.550		
		556	2.020		
		557	0.110		
		559	2.280		
		560	1.940		
		561	0.510		
		563	0.320		
		564	0.420		
		570	0.030		
		572/1	0.400		
		572/2	0.640		
		574	0.410		
		575	0.600		
		577	0.220		
		580/1	0.270		
		580/2	0.380		
		581/1	0.470		

(1)	(2)	(3)	(4)	(5)	(6)
		581/2	0.070		
		582	0.220		
		586	1.060		
		587	0.300		
		588	0.460		
		589	1.120		
		590	0.020		
		591	0.060		
		678/1	0.130		
		678/2	0.880		
		679	0.730		
		681	0.600		
		682	0.310		
		683/1	0.320		
		683/2	0.880		
		683/3	0.010		
		686	0.110		
		687/मिन-1	0.210		
		687/मिन-2	0.200		
		688	1.120		
		689	0.090		
		690	1.040		
		691	0.790		
		692	0.600		
		693	0.210		
		694	0.850		
		696	0.420		
		697	0.310		
		698	0.390		
		699	0.390		
		700	1.130		
		701	0.310		
		702/1	0.150		
		702/2	0.350		
		703/1/2	1.000		
		703/2	1.600		
		704/1	0.200		
		704/2	0.320		
		706	0.760		
		707	0.190		
		708	0.110		
		709	0.280		
		710	0.140		
		711	0.240		

(1)	(2)	(3)	(4)	(5)	(6)
			712	0.600	
			714	0.320	
			715	0.200	
			716	0.840	
			718	0.580	
			719	0.310	
			720	0.350	
			721	0.510	
			723	0.170	
			724	0.410	
			724/मिन-1	0.220	
			725	0.610	
			726	0.320	
			727	0.310	
			728	0.120	
			729/1	0.340	
			729/2	0.090	
			730	0.090	
			732	0.150	
			733/1	0.200	
			733/2	0.260	
			734	0.030	
			735	0.030	
			737	1.180	
			738	0.210	
			739	0.740	
			740	0.210	
			741	0.120	
			742	0.110	
			743	0.220	
			744	0.180	
			745	0.190	
			746	0.100	
			747	0.050	
			748	0.190	
			749	0.550	
			751	0.200	
			753/1	0.210	
			753/2	0.400	
			754	0.670	
			755	0.320	
			756	0.300	
			758	0.300	
			759/1	0.130	

(1)	(2)	(3)	(4)	(5)	(6)
		759/2	0.300		
		760	1.150		
		761	0.600		
		763	2.020		
		764/1	0.900		
		765/1/1	0.780		
		765/1/2	0.780		
		765/1/3	0.770		
		765/2	0.710		
		765/मिन/2	0.760		
		766	0.120		
		767	0.170		
		768	0.830		
		769	0.730		
		770/1	0.630		
		770/2	0.630		
		770/3/1	0.560		
		770/3/2	0.280		
		771	0.230		
		772	0.700		
		773	0.790		
		774	0.470		
		775	1.850		
		776/1	0.010		
		776/2	0.380		
		776/3	0.370		
		776/4	0.370		
		777	0.080		
		778	1.650		
		779	0.280		
		780	0.670		
		781	0.110		
		782	0.140		
		783	0.170		
		785	0.310		
		786/1	0.580		
		786/2	0.700		
		788	0.080		
		789	0.220		
		790	0.240		
		792	0.010		
		793/1	0.120		
		793/2	0.040		
		793/3	0.040		

(1)	(2)	(3)	(4)	(5)	(6)
		793/4	0.040		
		793/5	0.320		
		793/6	0.380		
		793/7	0.700		
		794	0.490		
		795	0.450		
		796	0.980		
		797	0.900		
		798	0.480		
		799	0.650		
		800	0.120		
		801	0.350		
		807/1	0.120		
		807/2	0.320		
		808	0.800		
		809	0.270		
		810	0.370		
		811	1.120		
		812/1/1	0.040		
		812/1/2	0.050		
		812/2	0.090		
		812/3	0.080		
		812/4	0.090		
		812/5/1	0.060		
		812/5/2	0.030		
		813	0.230		
		814	0.230		
		815/1	0.130		
		815/2	0.140		
		816/1	0.230		
		816/2	0.110		
		817	0.180		
		818	1.930		
		819/1	0.100		
		819/2	0.100		
		820	0.620		
		821	0.060		
		822	0.050		
		823	0.100		
		824	0.090		
		825	0.820		
		826	0.800		
		827	0.220		
		833	0.270		

(1)	(2)	(3)	(4)	(5)	(6)
		836	0.090		
		839	1.510		
		840	0.720		
		862	0.230		
		863	0.230		
		866	0.510		
		867	0.280		
		868	0.290		
		869	0.350		
		871	0.090		
		872	0.080		
		873	0.200		
		874	0.190		
		875	0.140		
		876	0.140		
		877	0.730		
		878	0.330		
		879	0.250		
		880	0.200		
		881	0.190		
		882	0.220		
		884/1/1	0.210		
		884/1/2	0.100		
		884/2	0.120		
		884/3	0.110		
		886	0.680		
		887	0.460		
		888	0.250		
		890	0.100		
		891	0.190		
		892	0.220		
		893	0.100		
		917	0.050		
		918	0.150		
		919	0.110		
		920	0.170		
		923	0.860		
		924	0.470		
		925	0.190		
		926	0.100		
		927	0.050		
		929/1	0.070		
		935	0.110		
		936	0.100		

(1)	(2)	(3)	(4)	(5)	(6)
		937	0.070		
		938	0.070		
		939	0.060		
		946	0.030		
		948	0.150		
		950	0.150		
		951/1	0.270		
		951/2	0.270		
		952	0.070		
		953	0.090		
		955	0.580		
		956/1	0.070		
		956/2	0.080		
		957	0.070		
		958	0.040		
		959	0.080		
		960	0.070		
		961	0.070		
		962	0.070		
		963	0.150		
		964	0.300		
		965	0.150		
		974	0.030		
		975	0.150		
		976	0.110		
		977	0.030		
		978	0.260		
		981	0.040		
		982	0.050		
		983	0.110		
		984	0.120		
		985	0.130		
		986	0.130		
		987	0.240		
		988/1	0.150		
		988/2	0.120		
		989/1	0.180		
		989/2	0.320		
		1796	0.090		
		2138/1	0.090		
		2139	0.570		
		2140/1	0.300		
		2140/2	0.300		
		2142	0.400		

(1)	(2)	(3)	(4)	(5)	(6)
			2143	0.290	
			2144/1	0.210	
			2145/2	0.180	
			2146/1	0.360	
			2146/2	0.370	
			2146/3	0.370	
			2147/2/1	0.080	
			2147/2/2	0.100	
			2148	1.000	
			2149	0.570	
			2150	0.210	
			2151/1/1	0.620	
			2151/2	0.850	
			2151/3/1	0.150	
			2152/1	0.010	
			2152/2	0.800	
			2153	0.430	
			2154	0.070	
			2155/1	0.430	
			2155/2	0.420	
			2156	0.390	
			2157	0.800	
			2159	2.060	
			2160	1.650	
			2161/1	1.350	
			2161/2	0.590	
			2162/1	0.080	
			2162/2	0.070	
			2167	0.750	
			2168	0.560	
			2169/1	0.830	
			2169/2	0.830	
			2169/3	0.830	
			2170	0.070	
			2171	0.330	
			2172/1	0.340	
			2172/2	0.350	
			2173	0.180	
			2174/1	0.120	
			2174/2	0.130	
			2175	0.360	
			2176	0.030	
			2177	0.510	
			2178	1.150	

(1)	(2)	(3)	(4)	(5)	(6)
		2179/1	0.150		
		2179/2	0.200		
		2180	1.090		
		2181	0.110		
		2182	0.770		
		2183	0.320		
		2184/1	0.240		
		2184/2	0.050		
		2185	1.140		
		2186	0.350		
		2187/1	0.120		
		2187/2	0.150		
		2188	1.010		
		2189	1.310		
		2190/1	0.650		
		2190/2	0.570		
		2191/1	2.210		
		2191/2	0.610		
		2192/1	0.390		
		2192/2	0.590		
		2193/1	0.590		
		2193/2	0.180		
		2194	0.740		
		2195/1	0.090		
		2195/2	0.750		
		2196	0.740		
		2197	0.160		
		2198	0.100		
		2199/1	0.110		
		2199/2	0.340		
		2200/1	0.440		
		2200/2	0.230		
		2202	0.440		
		2203/1	0.230		
		2203/3	0.500		
		2208	0.050		
		2209	0.290		
		2210	0.100		
		2216	1.100		
		2217	0.170		
		2218	1.540		
		2219/1	0.470		
		2273	0.630		
		2275/1	0.230		

(1)	(2)	(3)	(4)	(5)	(6)
			2275/2	1.000	
			2286/2	0.190	
			2290	0.600	
			2291	0.200	
			2292/2	0.470	
			2293	0.140	
			2294	0.300	
		योग . .	<u>189.700</u>		

(2) भूमि का नक्शा (प्लान) भू-अर्जन अधिकारी, करैरा के कार्यालय में देखा जा सकता है।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
आर. के. जैन, कलेक्टर एवं पदेन उपसचिव।

कार्यालय कलेक्टर, जिला रायसेन, मध्यप्रदेश एवं पदेन उपसचिव, मध्यप्रदेश शासन, राजस्व विभाग

रायसेन, दिनांक 7 अगस्त 2013

प्र. क्र. 5-अ-82-12-13.—चूंकि, राज्य शासन को यह प्रतीत होता है कि अनुसूची के खाने (1) से (4) में वर्णित भूमि की, अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिए आवश्यकता पड़ने की संभावना है। अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इससे इस आशय की सूचना दी जाती है। राज्य शासन, इसके द्वारा, अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोजन करने के लिये प्राधिकृत करता हूँ :—

जिला	तहसील	ग्राम	अनुसूची			धारा 4 की उपधारा (2)	धारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
			भूमि का वर्णन	कुल	अर्जित			
			का नाम	क्रमांक	रकबा	किया गया	रकबा	(हेक्टर में)
(1)	(2)	(3)				(हेक्टर में)		(हेक्टर में)
रायसेन	सिलवानी	सनाईदार	278, 287/1	1.910	0.280	कार्यपालन यंत्री, जल	कार्यपालन यंत्री, जल	नगपुरा नगद्वारी सिंचाई
			278, 287/2	1.198	0.200	संसाधन संभाग, रायसेन.		संसाधन संभाग, रायसेन.
			278, 287/4/2	2.153	0.400			योजना की मुख्य नहर
			280	2.354	0.624			एल.बी.सी., आर.बी.सी.
			281	0.906	0.040			एवं माइनर निर्माण हेतु,
			278, 287/3	1.214	0.120			
		योग . .	<u>9.735</u>	<u>1.664</u>				
नगपुरा	18		0.894	0.040				
	14		1.056	0.128				
	13/1		0.749	0.104				
	6		2.072					
	137, 225/137		0.158	0.040				
	45		1.263	0.056				

(1)	(2)	(3)	(4)	(5)	(6)
		177 में से	2.614	0.104	
		178	2.671	0.360	
		15/2	0.333	0.040	
		155	0.531	0.160	
		13/2	0.518	0.104	
		159	3.380	0.490	
		169	3.161	0.520	
		173	0.518	0.160	
		152	0.121	0.012	
		20	1.104	0.144	
		154	0.202	0.064	
		138	0.198	0.025	
		129/2, 143/2	0.470	0.160	
		87/1	2.221	0.240	
		67/1, 1/2	2.023	0.144	
		67/1/2	2.023	0.152	
		82/2	0.210	0.080	
		79/1	1.189	0.136	
		230/21	0.405	0.144	
		49	5.787	0.490	
		171	1.513	0.360	
		172 में से	4.046	0.200	
		174	2.715	0.192	
		175	0.401	0.360	
		202/2	4.047	0.240	
		200/1	2.833	0.480	
		182/1 में से	9.154	0.400	
		156	0.198	0.064	
		153/1	0.048	0.012	
		153/2	0.049	0.012	
		183	2.201	0.200	
		136	0.101	0.040	
		116	2.426	0.360	
		118 में से	1.619	0.080	
		110, 111	5.695	0.280	
		85	6.548	0.660	
		82/1	1.412	0.160	
		80	4.112	0.160	
		79/2	1.205	0.160	
		83 में से	2.741	0.120	
		योग . .	<u>91.282</u>	<u>8.877</u>	

(1)	(2)	(3)	(4)	(5)	(6)
प्रतापगढ़	14	1.291	0.192		
	16	1.971	0.080		
	212	0.849	0.144		
	211	0.632	0.080		
	54	0.713	0.120		
	65	1.983	0.336		
	64	7.709	0.120		
	23	1.967	0.120		
	43	0.356	0.064		
	24	0.910	0.136		
	25	1.424	0.176		
	86	0.283	0.016		
	82 में से	1.769	0.240		
	210	0.330	0.040		
	183	1.777	0.280		
	182 में से	5.335	0.224		
	181	8.220	0.816		
	180/2	2.379	0.176		
	180/1	2.380	0.280		
	174, 175	1.473	0.144		
	173	0.150	0.064		
	169	0.061	0.012		
	165, 166	0.121	0.040		
	83	0.902	0.136		
	176	2.055	0.112		
	177, 178, 179 में से	2.630	0.064		
	41	0.458	0.200		
	42	1.942	0.240		
	51	1.659	0.144		
	66	0.910	0.160		
	84	0.765	0.040		
	56	1.212	0.020		
	11	0.769	0.120		
	13	3.059	0.216		
	281/14	1.149	0.160		
	योग . .	61.593	5.512		

मरहेढी	101	1.392	0.016
	77	1.311	0.304
	80	2.069	0.064
	79	2.274	0.272
	70/1	1.738	0.012
	69	1.967	0.160

(1)	(2)	(3)	(4)	(5)	(6)
	67		0.809	0.225	
	65		1.064	0.160	
	66		1.777	0.016	
	57		1.303	0.024	
	58		2.246	0.400	
	19		4.083	0.320	
	103		0.045	0.012	
	105/2		0.866	0.120	
	100		3.219	0.320	
	99		1.740	0.024	
	70/2		1.740	0.012	
	64		1.681	0.016	
	56		2.762	0.096	
	योग . .		<u>34.086</u>	<u>2.573</u>	

फूलमार	14/2, 13/1,	0.405	0.160
	13/2, 14/5		
	2/3, 11/2,	1.647	0.240
	12/3, 14/6		
	9/1, 12/6, 15/3	1.214	0.112
	16/4, 2/1/4		
	111/2/3	1.889	0.100
	76/2/1	2.789	0.120
	76/2/2	2.023	0.120
	81	1.339	0.060
	80	0.190	0.020
	107	2.092	0.160
	83	0.833	0.100
	84	2.804	0.200
	76/1	0.534	0.080
	70/2	3.100	0.160
	70/1	2.121	0.100
	170	2.420	0.240
	176	2.383	0.160
	177	0.862	0.160
	208/176	0.785	0.080
	175	2.283	0.400
	9/1,12/6,5/3,	2.023	0.112
	16/4, 2/1/5		
	111/2/2	1.888	0.100
	198	0.474	0.096
	200	0.566	0.120

(1)	(2)	(3)	(4)	(5)	(6)
		2/3/, 3/2, 4/2	0.740	0.320	
		13/3, 14/8			
		16/4, 2/1/5	1.619	0.112	
		9/1, 12/6			
		9/1, 12/6, 15/3, 1.214		0.112	
		16/4, 2/1/8			
		9/1, 12/6, 15/3, 1.214		0.112	
		16/4, 2/1/9			
		9/1, 12/6, 15/3, 1.214		0.112	
		16/4, 2/1/10			
		9/1, 12/6, 15/3, 2.023		0.112	
		16/4, 2/1/37			
		9/1, 12/6, 15/3, 1.000		0.112	
		16/4, 2/1/35			
		9/1, 12/6, 15/3, 1.214		0.112	
		16/4, 2/1/38			
		9/1, 12/6, 15/3, 1.144		0.112	
		16/4, 2/1/39			
		9/1, 12/6, 15/3, 1.000		0.112	
		16/4, 2/1/40			
		9/1, 12/6, 15/3, 1.214		0.112	
		16/4, 2/1/41			
		9/1, 12/6, 15/3, 1.000		0.112	
		16/4, 2/1/42			
		9/1, 12/6, 15/3, 1.000		0.112	
		16/4, 2/1/43			
		9/1, 12/6, 15/3, 1.000		0.112	
		16/4, 2/1/44			
		9/1, 12/6, 15/3, 1.214		0.112	
		16/4, 2/1/45			
		9/1, 12/6, 15/3, 1.000		0.112	
		16/4, 2/1/46			
		9/1, 12/6, 15/3, 1.214		0.112	
		16/4, 2/1/47			
		9/1, 12/6, 15/3, 1.000		0.112	
		16/4, 2/1/48			
		9/1, 12/6, 15/1, 1.000		0.112	
		16/4, 2/1/1			
	181		8.083	0.600	
	188		2.501	0.320	
	187		2.809	0.024	
	185		2.651	0.440	
	196		11.281	0.640	
	179		1.522	0.060	

(1)	(2)	(3)	(4)	(5)	(6)
		111/2/1	1.889	0.120	
		82	2.983	0.060	
		79	1.149	0.060	
		69	3.631	0.200	
		169 में से	8.031	0.960	
		योग . .	105.218	9.020	
		छोंद देवरी			
		92 में से	5.285	0.248	
		91/1	6.783	0.380	
		91/2	0.405	0.144	
		87	2.719	0.440	
		99	2.055	0.256	
		105	0.729	0.120	
		187/104 में से	7.042	0.550	
		125	5.525	0.256	
		124	0.938	0.060	
		126 में से	12.736	0.160	
		योग . .	44.217	2.614	
		कोलुआ			
		63/1/1/1/2	6.525	0.360	
		63/2	4.452	0.344	
		40	4.622	0.404	
		34	2.566	0.420	
		33	1.196	0.360	
		17/1	2.582	0.184	
		17/2	2.582	0.200	
		16	0.417	0.096	
		योग . .	24.942	2.368	
		पढा			
		154/1/2	0.089	0.064	
		156/1/1/2	1.360	0.100	
		154/1/1	15.300	0.160	
		154/2	1.907	0.280	
		154/3	0.289	0.064	
		154/1/1	1.530	0.020	
		150	2.477	0.200	
		49	0.316	0.064	
		45	1.096	0.020	
		44	1.720	0.520	
		43/1 में से	2.740	0.280	
		43/1	2.740	0.020	
		155	3.253	0.200	
		152 में से	3.824	0.520	
		151	0.429	0.080	
		32 में से	9.862	0.320	

(1)	(2)	(3)	(4)	(5)	(6)
		48	1.137	0.160	
		37/1/2	1.720	0.360	
		37/1/1	4.533	0.064	
		168 में से	1.770	0.240	
		118/2	1.226	0.040	
		118/3	1.422	0.100	
		137 में से	2.448	0.380	
		140 में से	8.365	0.160	
		141	8.984	0.240	
		133/1/1	1.659	0.040	
		167 में से	1.933	0.072	
		47, 46	7.149	0.240	
		43/2	1.696	0.168	
		142	1.137	0.120	
		50	1.509	0.120	
		26/1	2.508	0.248	
		53/2	2.023	0.112	
		53/1	3.367	0.180	
		27 में से	10.445	0.348	
		25/1	1.295	0.220	
		योग . .	115.258	6.524	
विघरा		105	2.027	0.280	
		9/1, 10	2.464	0.224	
		94/2/1/1	0.809	0.080	
		96/2	0.696	0.280	
		106/3	2.023	0.296	
		106/4/1	0.607	0.080	
		127/1/1/107	3.274	0.080	
		112/2	1.619	0.096	
		112/1	3.569	0.144	
		111, 124, 111,	0.109	0.280	
		125, 113/2.			
		9/2, 10	2.460	0.128	
		106/2	0.405	0.024	
		111/6/1,	1.619	0.120	
		124/111/6/1,			
		125/113/6/1			
		योग . .	21.681	2.112	
बीकलपुर		105/2	3.120	0.020	
		114/2, 115,	2.653	0.080	
		116/2			
		114/3	2.653	0.100	
		113/1/1	0.688	0.084	
		106	2.371	0.048	
		104	2.525	0.140	
		93	1.150	0.056	

(1)	(2)	(3)	(4)	(5)	(6)
	102		4.884	0.148	
	100/3/1/1		3.812	0.184	
	100/3/4		2.411	0.020	
	99		5,929	0.120	
	130/1		5.665	0.152	
	95, 96/2		4.252	0.088	
	96/1		2.918	0.140	
	92		2.586	0.012	
	49		1.631	0.220	
	50, 51		1.315	0.336	
	52		0.628	0.112	
	46/1/2/1/2		0.559	0.096	
	46/1/2/1/1		1.926	0.080	
	46/1/1		2.428	0.120	
	41		1.502	0.200	
	36		0.761	0.096	
	योग . .		58.367	2.652	
परासिया	65		1.666	0.160	
	66		0.409	0.120	
	54		1.602	0.280	
	151		0.312	0.160	
	152		0.951	0.160	
	153		0.360	0.080	
	144		0.332	0.080	
	140		0.219	0.064	
	139		0.065	0.016	
	168		1.509	0.080	
	166		1.866	0.240	
	394/140		1.214	0.180	
	143		0.553	0.160	
	264		0.150	0.016	
	355		0.036	0.012	
	281, 282 में से		2.444	0.320	
	250, 251 में से		5.605	0.560	
	357		3.516	0.220	
	165		0.239	0.040	
	359		4.201	0.180	
	354, 352		1.469	0.224	
	105		2.467	0.460	
	103		6.358	0.400	
	योग . .		35.076	4.212	
	महायोग . .		601.455	48.128	

(2) भूमि का नक्शा अनुविभागीय अधिकारी/भू-अर्जन अधिकारी, सिलवानी के कार्यालय में कार्यालयीन समय में देखा जा सकता है।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
जे. के. जैन, कलेक्टर एवं पदेन उपसचिव।

कार्यालय, कलेक्टर, जिला राजगढ़, (ब्यावरा) मध्यप्रदेश एवं पदेन उपसचिव, मध्यप्रदेश शासन, राजस्व विभाग

राजगढ़, दिनांक 8 अगस्त 2013

क्र. 7258-भू-अर्जन-2013.—चूंकि, राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की, अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है। अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार एतद्वारा, सभी संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है। राज्य शासन, इसके द्वारा, अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है:—

अनुसूची

भूमि का वर्णन				धारा 4 (2) के अन्तर्गत	सार्वजनिक प्रयोजन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)	प्राधिकृत अधिकारी	का वर्णन
(1)	(2)	(3)	(4)	(5)	(6)
राजगढ़	पचोर	तलेन	1.985	कार्यपालन यंत्री, लोक निर्माण विभाग, संभाग राजगढ़।	तलेन कुरावर मार्ग के निर्माण हेतु भूमि का अर्जन।

(2) भूमि के नक्शे (प्लान) का निरीक्षण, कार्यपालन यंत्री, लोक निर्माण विभाग, संभाग राजगढ़ एवं अनुविभागीय अधिकारी (राजस्व) कार्यालय, सारंगपुर, जिला राजगढ़ के कार्यालय में किया जा सकता है।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
आनंद कुमार शर्मा, कलेक्टर एवं पदेन उपसचिव।

कार्यालय, कलेक्टर, जिला सिवनी, मध्यप्रदेश एवं पदेन उपसचिव, मध्यप्रदेश शासन, राजस्व विभाग

सिवनी, दिनांक 12 अगस्त 2013

क्र. 1484-भू.अ.-2013.—चूंकि, राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की, अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है। अतः भू-अर्जन अधिनियम, 1894 संशोधन (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार इसके द्वारा, संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है। राज्य शासन, इसके द्वारा, अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) के द्वारा दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है :—

अनुसूची

भूमि का विवरण				धारा 4 की उपधारा (2)	सार्वजनिक प्रयोजन
जिला	तहसील/ रा. नि. म.	ग्राम	क्षेत्रफल अर्जित रकबा (हे. में)	के द्वारा प्राधिकृत अधिकारी	का वर्णन
(1)	(2)	(3)	(4)	(5)	(6)
सिवनी	सिवनी	फुलारा	8.90	कार्यपालन यंत्री, पेंच व्यपवर्तन परियोजना, नहर संभाग, सिंगना, तह-चौरई, जिला छिन्दवाड़ा (म. प्र.).	पेंच व्यपवर्तन परियोजना के अन्तर्गत सिवनी शाखा नहर के निर्माण हेतु।
	रा. नि. म.	प.ह.नं. 121			
	सिवनी-1				

(2) भूमि के नक्शे (प्लान) का निरीक्षण, कार्यालय भू-अर्जन अधिकारी, तह. सिवनी में किया जा सकता है।

क्र. 1485-भू.अ.-2013.—चूंकि, राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की, अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है। अतः भू-अर्जन अधिनियम, 1894 संशोधन (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार इसके द्वारा, संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है। राज्य शासन, इसके द्वारा, अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) के द्वारा दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है :—

अनुसूची

भूमि का विवरण				धारा 4 की उपधारा (2)	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील/ रा. नि. म.	ग्राम	क्षेत्रफल अर्जित रक्कबा (हे. में)	के द्वारा प्राधिकृत अधिकारी	
(1)	(2)	(3)	(4)	(5)	(6)
सिवनी	सिवनी	करहैया	13.50	कार्यपालन यंत्री, पेंच व्यपवर्तन परियोजना नहर संभाग, सिंगना, तह-चौरई, जिला छिन्दवाड़ा (म. प्र.).	पेंच व्यपवर्तन परियोजना के अन्तर्गत सिवनी शाखा नहर के निर्माण हेतु।
	रा. नि. म.	प.ह.नं. 118			
	सिवनी-1				

(2) भूमि के नक्शे (प्लान) का निरीक्षण, कार्यालय भू-अर्जन अधिकारी, तह. सिवनी में किया जा सकता है।

क्र. 1486-भू.अ.-2013.—चूंकि, राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की, अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है। अतः भू-अर्जन अधिनियम, 1894 संशोधन (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार इसके द्वारा, संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है। राज्य शासन, इसके द्वारा, अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) के द्वारा दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है :—

अनुसूची

भूमि का विवरण				धारा 4 की उपधारा (2)	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील/ रा. नि. म.	ग्राम	क्षेत्रफल अर्जित रक्कबा (हे. में)	के द्वारा प्राधिकृत अधिकारी	
(1)	(2)	(3)	(4)	(5)	(6)
सिवनी	सिवनी	कारीरात	15.00	कार्यपालन यंत्री, पेंच व्यपवर्तन परियोजना नहर संभाग, सिंगना, तह-चौरई, जिला छिन्दवाड़ा (म. प्र.).	पेंच व्यपवर्तन परियोजना के अन्तर्गत सिवनी शाखा नहर के निर्माण हेतु।
	रा. नि. म.	प.ह.नं. 87			
	सिवनी-1				

(2) भूमि के नक्शे (प्लान) का निरीक्षण, कार्यालय भू-अर्जन अधिकारी, तह. सिवनी में किया जा सकता है।

क्र. 1487-भू.अ.-2013.—चूंकि, राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की, अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है। अतः भू-अर्जन अधिनियम, 1894 संशोधन (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार इसके द्वारा, संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है। राज्य शासन, इसके द्वारा, अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) के द्वारा दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है :—

अनुसूची

भूमि का विवरण				धारा 4 की उपधारा (2)	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील/ रा. नि. म.	ग्राम	क्षेत्रफल अर्जित रक्कबा (हे. में)	के द्वारा प्राधिकृत अधिकारी	
(1)	(2)	(3)	(4)	(5)	(6)
सिवनी	सिवनी	चारगांव	20.38	कार्यपालन यंत्री, पेंच व्यपवर्तन परियोजना नहर संभाग, सिंगना, तह-चौरई, जिला छिन्दवाड़ा (म. प्र.).	पेंच व्यपवर्तन परियोजना के अन्तर्गत सिवनी शाखा नहर के निर्माण हेतु।
	रा. नि. म.	प.ह.नं. 118			
	सिवनी-1				

(2) भूमि के नक्शे (प्लान) का निरीक्षण, कार्यालय भू-अर्जन अधिकारी, तह. सिवनी में किया जा सकता है।

क्र. 1488-भू.अ.-2013.—चूंकि, राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की, अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है। अतः भू-अर्जन अधिनियम, 1894 संशोधन (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार इसके द्वारा, संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है। राज्य शासन, इसके द्वारा, अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) के द्वारा दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है :—

अनुसूची

भूमि का विवरण				धारा 4 की उपधारा (2)	सार्वजनिक प्रयोजन
जिला	तहसील/रा. नि. म.	ग्राम	क्षेत्रफल अर्जित रकबा (हे. में)	के द्वारा प्राधिकृत अधिकारी	का वर्णन
(1)	(2)	(3)	(4)	(5)	(6)
सिवनी	सिवनी रा. नि. म.	पीपरडाही प.ह.नं. 120 सिवनी-1	2.20	कार्यपालन यंत्री पेंच, व्यपवर्तन परियोजना नहर संभाग, सिंगना, तह-चौरई, जिला छिन्दवाड़ा (म. प्र.).	पेंच व्यपवर्तन परियोजना के अन्तर्गत सिवनी शाखा नहर के निर्माण हेतु।

(2) भूमि के नक्शे (प्लान) का निरीक्षण, कार्यालय भू-अर्जन अधिकारी, तह. सिवनी में किया जा सकता है।

क्र. 1489-भू.अ.-2013.—चूंकि, राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की, अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है। अतः भू-अर्जन अधिनियम, 1894 संशोधन (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार इसके द्वारा, संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है। राज्य शासन, इसके द्वारा, अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) के द्वारा दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है :—

अनुसूची

भूमि का विवरण				धारा 4 की उपधारा (2)	सार्वजनिक प्रयोजन
जिला	तहसील/रा. नि. म.	ग्राम	क्षेत्रफल अर्जित रकबा (हे. में)	के द्वारा प्राधिकृत अधिकारी	का वर्णन
(1)	(2)	(3)	(4)	(5)	(6)
सिवनी	सिवनी रा. नि. म.	नैनपार प.ह.नं. 86/51 बण्डोल	10.45.	कार्यपालन यंत्री, पेंच व्यपवर्तन परियोजना नहर संभाग, सिंगना, तह-चौरई, जिला छिन्दवाड़ा (म. प्र.).	पेंच व्यपवर्तन परियोजना के अन्तर्गत सिवनी शाखा नहर के निर्माण हेतु।

(2) भूमि के नक्शे (प्लान) का निरीक्षण, कार्यालय भू-अर्जन अधिकारी, तह. सिवनी में किया जा सकता है।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
भरत यादव, कलेक्टर एवं पदेन उपसचिव।

कार्यालय, कलेक्टर, जिला उमरिया, मध्यप्रदेश एवं पदेन उपसचिव, मध्यप्रदेश शासन, राजस्व विभाग

उमरिया, दिनांक 13 अगस्त 2013

क्र. 2772-भू-अर्जन-2013.—चूंकि, राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के कॉलम (1) से (4) में वर्णित भूमि की, अनुसूची के कॉलम (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है। अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार, इसके द्वारा, सभी संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है। राज्य शासन, इसके द्वारा, अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है :—

अनुसूची

जिला	तहसील	भूमि का वर्णन		धारा 4 (2) के अन्तर्गत प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का विवरण
		ग्राम	कुल क्षेत्रफल (हें. में)		
(1)	(2)	(3)	(4)	(5)	(6)
उमरिया		सजनिया	14.600	कार्यपालन यंत्री, जल संसाधन संभाग, उमरिया।	सजनिया जलाशय योजना
		दूँठाकुदरी	1.150		
		बरहाई कुदरी	2.300		
		योग . .	<u>18.050</u>		

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है—सजनिया जलाशय योजना, शीर्ष एवं नहर निर्माण हेतु।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
सुरेन्द्र कुमार उपाध्याय, कलेक्टर एवं पदेन उपसचिव।

कार्यालय, प्रशासक, भू-अर्जन एवं पुनर्वास, बाणसागर परियोजना, जिला रीवा, मध्यप्रदेश एवं पदेन
उपसचिव, मध्यप्रदेश शासन, राजस्व विभाग

रीवा, दिनांक 13 अगस्त 2013

पत्र क्र. 1873-प्रका.-भू-अर्जन.—चूंकि, राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की, अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है। अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार, इसके द्वारा, सभी संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है। राज्य शासन, इसके द्वारा, अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है :—

अनुसूची

जिला	तहसील	भूमि का विवरण		धारा 4(2) के अन्तर्गत प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
		ग्राम	लगभग क्षेत्रफल (हेक्टर में)		
(1)	(2)	(3)	(4)	(5)	(6)
रीवा	त्यौंथर	सहलोलवा	1.50	कार्यपालन यंत्री, भू-अर्जन एवं पुनर्वास संभाग, क्र. 1, रीवा मुख्यालय, त्यौंथर।	बाणसागर परियोजना के अन्तर्गत त्यौंथर उद्वहन योजना के माइनर नहर में आने वाली भूमि के लिये भूमि तथा उस पर स्थित संपत्तियों का अर्जन।

पत्र क्र. 1877-प्रका.-भू-अर्जन-2013.—चूंकि, राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की, अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है। अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार, इसके द्वारा, सभी संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है। राज्य शासन, इसके द्वारा, अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है :—

अनुसूची

भूमि का विवरण				धारा 4(2) के अन्तर्गत प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	ग्राम	लगभग क्षेत्रफल (हेक्टर में)	(5)	(6)
रीवा	त्योंथर	दुअरा उर्फ भगवानपुर	0.250	कार्यपालन यंत्री, भू-अर्जन एवं पुनर्वास संभाग, क्र. 1, रीवा मुख्यालय, त्योंथर।	बाणसागर परियोजना के अन्तर्गत त्योंथर उद्वहन योजना के मुख्य नहर में आने वाली भूमि के लिये भूमि तथा उस पर स्थित संपत्तियों का अर्जन।

रीवा, दिनांक 14 अगस्त 2013

पत्र क्र. 1887-प्रका.-भू-अर्जन.—चूंकि, राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की, अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है। अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 4 की उपधारा (1) के उपबंधों के अनुसार, इसके द्वारा, सभी संबंधित व्यक्तियों को इस आशय की सूचना दी जाती है। राज्य शासन, इसके द्वारा, अनुसूची के खाने (5) में उल्लेखित अधिकारी को उक्त भूमि के संबंध में उक्त धारा 4 की उपधारा (2) द्वारा दी गई शक्तियों का प्रयोग करने के लिये प्राधिकृत करता है :—

अनुसूची

भूमि का विवरण				धारा 4(2) के अन्तर्गत प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	ग्राम	लगभग क्षेत्रफल (हेक्टर में)	(5)	(6)
सीधी	चुरहट	दुअरा	0.534	कार्यपालन यंत्री, लोवर सिहावल नहर संभाग, चुरहट, जिला सीधी (म. प्र.)	चुरहट वितरक नहर की दुअरा सब माइनर नहर निर्माण हेतु।

(2) भूमि का नक्शा (प्लान) का निरीक्षण प्रशासक, बाणसागर परियोजना, रीवा के कार्यालय में किया जा सकता है।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
बी. बी. श्रीवास्तव, प्रशासक एवं पदेन उपसचिव।

कार्यालय, कलेक्टर, जिला भोपाल, मध्यप्रदेश एवं पदेन उपसचिव, मध्यप्रदेश शासन, राजस्व विभाग

भोपाल, दिनांक 12 अगस्त 2013

प्र. क्र. 02-भू-अर्जन-अ-82-2012-13-संशोधन.— ग्राम बर्री बगराज, तहसील बैरसिया, जिला भोपाल की सम्राट अशोक सागर जलाशय के जल स्तर 1504 से 1508 फीट तक बढ़ाने हेतु धारा-06 की उद्धोषणा का प्रकाश किया। मध्यप्रदेश राजपत्र, दिनांक 9 नवम्बर 2012 के पृष्ठ क्रमांक 3942 पर किया गया था, जिसमें कॉलम नं. 04 एवं कॉलम नं.05 में त्रुटिपूर्ण प्रविष्टि का प्रकाशन हो गया था, के स्थान पर सही प्रविष्टि का प्रकाशन किया जा रहा है, जो निम्नानुसार है:—

त्रुटिपूर्ण प्रविष्टि जिसका प्रकाशन हुआ है

संशोधित प्रविष्टि

क्र. लगभग क्षेत्रफल खसरा नंबर अर्जित किया जाने वाले हैं

	खसरा नंबर	रकबा (हे. में)
1	124, 126/1/1/1क	0.498
2	124, 126/1/1/1ख	0.417
3	82	0.478

क्र. लगभग क्षेत्रफल खसरा नंबर अर्जित किया जाने वाले हैं

	खसरा नंबर	रकबा (हे. में)
1	124, 126/1/1/1क	0.498
2	124, 126/1/1/1ख	0.415
3	82/1	0.478

अतः भू-अर्जन अधिनियम 1894 धारा (6) की उद्धोषणा में प्रकाशित त्रुटिपूर्ण प्रविष्टि के स्थान पर संशोधित प्रविष्टि पढ़ा जावे।

प्र. क्र. 03-भू-अर्जन-अ-82-2012-13-संशोधन.— ग्राम रौंझिया, तहसील बैरसिया, जिला भोपाल की सम्राट अशोक सागर जलाशय के जल स्तर 1504 से 1508 फीट तक बढ़ाने हेतु धारा-06 की उद्धोषणा का प्रकाश किया। मध्यप्रदेश राजपत्र, दिनांक 30 नवम्बर 2012 के पृष्ठ क्रमांक 4104 पर किया गया था, जिसमें कॉलम नं. 04 एवं कॉलम नं.05 में त्रुटिपूर्ण प्रविष्टि का प्रकाशन हो गया था, के स्थान पर सही प्रविष्टि का प्रकाशन किया जा रहा है, जो निम्नानुसार है:—

त्रुटिपूर्ण प्रविष्टि जिसका प्रकाशन हुआ है

संशोधित प्रविष्टि

क्र. लगभग क्षेत्रफल खसरा नंबर अर्जित किया जाने वाले हैं

	खसरा नंबर	रकबा (हे. में)
1	217	4.090

क्र. लगभग क्षेत्रफल खसरा नंबर अर्जित किया जाने वाले हैं

	खसरा नंबर	रकबा (हे. में)
1	217/1	2.690
2	217/2	1.400

अतः भू-अर्जन अधिनियम 1894 धारा (6) की उद्धोषणा में प्रकाशित त्रुटिपूर्ण प्रविष्टि के स्थान पर संशोधित प्रविष्टि पढ़ा जावे।

प्र. क्र. 04-भू-अर्जन-अ-82-2012-13-संशोधन.— ग्राम बगराज, तहसील बैरसिया, जिला भोपाल की सप्राट अशोक सागर जलाशय के जल स्तर 1504 से 1508 फीट तक बढ़ाने हेतु धारा-06 की उद्धोषणा का प्रकाश किया. मध्यप्रदेश राजपत्र, दिनांक 9 नवम्बर 2012 के पृष्ठ क्रमांक 3942 पर किया गया था, जिसमें कॉलम नं. 04 में त्रुटिपूर्ण प्रविष्टि का प्रकाशन हो गया था, के स्थान पर सही प्रविष्टि का प्रकाशन किया जा रहा है, जो निम्नामुसार है:—

त्रुटिपूर्ण प्रविष्टि जिसका प्रकाशन हुआ है

संशोधित प्रविष्टि

क्र. लगभग क्षेत्रफल खसरा नंबर अर्जित किया जाने वाले हैं

खसरा नंबर रकबा (हे. में)

1 88/2 1.000

क्र. लगभग क्षेत्रफल खसरा नंबर अर्जित किया जाने वाले हैं

खसरा नंबर रकबा (हे. में)

1 88/2/2 1.000

अतः भू-अर्जन अधिनियम 1894 धारा (6) की उद्धोषणा में प्रकाशित त्रुटिपूर्ण प्रविष्टि के स्थान पर संशोधित प्रविष्टि पढ़ा जावे

प्र. क्र. 09-भू-अर्जन-अ-82-2012-13-संशोधन.— ग्राम बूधौर खुर्द तहसील बैरसिया, जिला भोपाल की सप्राट अशोक सागर जलाशय के जल स्तर 1504 से 1508 फीट तक बढ़ाने हेतु धारा-06 की उद्धोषणा का प्रकाश किया. मध्यप्रदेश राजपत्र, दिनांक 9 नवम्बर 2012 के पृष्ठ क्रमांक 3944 पर किया गया था, जिसमें कॉलम नं. 04 में त्रुटिपूर्ण प्रविष्टि का प्रकाशन हो गया था, के स्थान पर सही प्रविष्टि का प्रकाशन किया जा रहा है, जो निम्नामुसार है:—

त्रुटिपूर्ण प्रविष्टि जिसका प्रकाशन हुआ है

संशोधित प्रविष्टि

क्र. लगभग क्षेत्रफल खसरा नंबर अर्जित किया जाने वाले हैं

खसरा नंबर रकबा (हे. में)

1 37/1/1 1.406

क्र. लगभग क्षेत्रफल खसरा नंबर अर्जित किया जाने वाले हैं

खसरा नंबर रकबा (हे. में)

1 37/1/1/2 1.406

2 37/1/2 1.742

2 37/1/2/2 1.742

3 45 1.000

3 45/2 1.000

अतः भू-अर्जन अधिनियम 1894 धारा (6) की उद्धोषणा में प्रकाशित त्रुटिपूर्ण प्रविष्टि के स्थान पर संशोधित प्रविष्टि पढ़ा जावे

कार्यालय, कलेक्टर, जिला नरसिंहपुर, मध्यप्रदेश एवं
पदेन उपसचिव, मध्यप्रदेश शासन, राजस्व विभाग

नरसिंहपुर, दिनांक 19 जुलाई 2013

प्र. क्र. 2 अ-82 वर्ष-2012-13 पत्र क्र.-1165-भू-अर्जन-2013.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की, अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है:—

अनुसूची

(1) भूमि का वर्णन—

- (क) जिला—नरसिंहपुर
- (ख) तहसील—गोटेगांव
- (ग) ग्राम—डोभ, प.ह.नं. 40
- (घ) लगभग क्षेत्रफल—1.037 हेक्टर.

खसरा नं.	अर्जित रकमा (हे. में)
(1)	(2)
130/1	
130/2	0.185
130/3	
132	0.004
133/1	
133/2	
133/3	0.245
133/4	
152/1	0.068
152/2	
151/1	
151/2	
150/2	
150/3	
151/4	
150/4	0.271
151/7	
150/5	
151/5	
150/6	
151/6	
150/7	
151/3	

(1)	(2)
142/1	
142/2	0.214
142/3	
138	0.050
योग . .	1.037

- (2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है—लोबर डोभ जलाशय की बांयी तट नहर निर्माण के कारण.
- (2) भूमि के नक्शे (प्लान) का निरीक्षण, भू-अर्जन कार्यालय तहसील गोटेगांव में किया जा सकता है.

प्र. क्र. 3 अ-82 वर्ष-2012-13 पत्र क्र.-1161-भू-अर्जन-2013.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की, अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है:—

अनुसूची

(1) भूमि का वर्णन—

- (क) जिला—नरसिंहपुर
- (ख) तहसील—गोटेगांव
- (ग) ग्राम—सुकरी, प.ह.नं. 40
- (घ) लगभग क्षेत्रफल—8.127 हेक्टर.

खसरा नं.	अर्जित रकमा (हे. में)
(1)	(2)
110/1	
110/4	0.450
110/5	
106	0.060
107/1	
107/2	1.125
107/3	
107/4	
108/3	
108/2	0.205
108/1	
91/1	
94/1	0.850
91/2	
94/2	
92	0.154

(1)	(2)	(ग) ग्राम—कोटेगांव, प.ह.नं. 40 (घ) लगभग क्षेत्रफल—1.041 हेक्टर.
89/1	1.058	खसरा
89/2	1.058	नं.
88	1.053	(1) अर्जित रक्कम (हे. में)
90/1	0.185	55
90/2	0.088	56 0.200
86/1	0.620	57
86/2		60 0.196
50/1		62/1 0.047
50/2	0.820	50, 51/2
50/3		51/1
51/3		51/3
19/1 ख		53/2 0.407
36		51/4
48/1		51/5
48/2 ख		51/6
49/3		49/3
18/2		49/5
20/8,10	0.168	49/6
20/1		49/7 0.110
20/9		49/8
20/7		49/9
19/2		49/10
21-22		54/2 0.081
165/3	0.233	योग . . 1.041
165/7		
योग . .	8.127	

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है—लोबर डोभ जलाशय के निर्माण होने के कारण.

(2) भूमि के नक्शे (प्लान) का निरीक्षण, भू-अर्जन कार्यालय तहसील गोटेगांव में किया जा सकता है.

प्र. क्र. 4 अ-82 वर्ष-2012-13 पत्र क्र.-1169-भू-अर्जन-2013.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की, अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है:—

अनुसूची

(1) भूमि का वर्णन—

- (क) जिला—नरसिंहपुर
- (ख) तहसील—गोटेगांव

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है—लोबर डोभ जलाशय के अन्तर्गत नहर निर्माण हेतु.

(2) भूमि के नक्शे (प्लान) का निरीक्षण, कलेक्ट्रेट नरसिंहपुर के कक्ष क्र. 84, भू-अर्जन शाखा में किया जा सकता है.

प्र. क्र. 5 अ-82 वर्ष-2012-13 पत्र क्र.-1167-भू-अर्जन-2013.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की, अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है:—

अनुसूची

(1) भूमि का वर्णन—

- (क) जिला—नरसिंहपुर
- (ख) तहसील—गोटेगांव

(ग) ग्राम—सुकरी, प.ह.नं. 40
(घ) लगभग क्षेत्रफल—0.999 हेक्टर.

खसरा नं.	अर्जित रकबा (हे. में)	(1)	(2)
107/1		128/1	
107/2		128/2	1.079
107/3	0.163	133/1	
107/4		133/2	0.090
106	0.163	133/3	
112/1		133/4	
112/2	0.673	98	0.373
112/3		99/1	0.633
112/4		99/2	1.619
	योग . . <u>0.999</u>	99/3	2.023
		100	0.140
		102	0.030
		103/1	
		103/2	0.350
		104	

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है—लोबर डोभ जलाशय के अंतर्गत दांयी तट नहर निर्माण के कारण.
(2) भूमि के नक्शे (प्लान) का निरीक्षण भू-अर्जन कार्यालय, तहसील गोटेगांव में किया जा सकता है.

प्र. क्र. 6 अ-82 वर्ष-2012-13 पत्र क्र.-1163-भू-अर्जन-2013.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की, अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अंतर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है:—

अनुसूची

(1) भूमि का वर्णन—
(क) जिला—नरसिंहपुर
(ख) तहसील—गोटेगांव
(ग) ग्राम—डोभ, प.ह.नं. 40
(घ) लगभग क्षेत्रफल—13.536 हेक्टर.

खसरा नं.	अर्जित रकबा (हे. में)
(1)	(2)
131	0.182
971	1.970
132	
130/1	
130/2	1.250
130/3	

128/1	
128/2	1.079
133/1	
133/2	0.090
133/3	
133/4	
98	0.373
99/1	0.633
99/2	1.619
99/3	2.023
100	0.140
102	0.030
103/1	
103/2	0.350
104	
108/1	
108/2, 3	0.400
108/4	
109	
82/1	
82/3	
82/2	2.992
82/4	
82/5	
95	0.405
योग . . <u>13.536</u>	

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है—लोबर डोभ जलाशय निर्माण होने के कारण.
(2) भूमि के नक्शे (प्लान) का निरीक्षण भू-अर्जन कार्यालय, तहसील गोटेगांव में किया जा सकता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
संजीव सिंह, कलेक्टर एवं पदेन उपसचिव.

कार्यालय, कलेक्टर, जिला बालाघाट, मध्यप्रदेश
एवं पदेन उपसचिव, मध्यप्रदेश शासन,
राजस्व विभाग

बालाघाट, दिनांक 27 जुलाई 2013

क्र. 36-अ-82-वर्ष 2012-13.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की, अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अंतर्गत, इसके द्वारा यह

घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिये आवश्यकता है:—

(ग) ग्राम—अर्जुननाला, प.ह.नं. 10/1 एवं 2
(घ) लगभग क्षेत्रफल—9.369 हेक्टर.

अनुसूची

(1) भूमि का वर्णन—

(क) जिला—बालाघाट	खसरा	रकबा
(ख) तहसील—बैहर	नम्बर	(हेक्टर में)
(ग) ग्राम—पाण्डुतला रैयत उर्फ चारटोला, प.ह.नं. 56	(1)	(2)
(घ) लगभग क्षेत्रफल—23.217 हेक्टर.	281/1, 284/2	0.166

खसरा	रकबा
नम्बर	(हेक्टर में)
(1)	(2)

अशासकीय भूमि

49	0.320	288/5	0.130
47	2.325	288/1	0.085
51/1, 2	2.360	288/4	0.162
53/1, 2	6.153	340/4, 341/3	0.150
54	7.415	340/3, 341/2	0.526
50	2.124	496/1	0.194
योग . .	<u>20.697</u>	373/9	0.345

शासकीय भूमि

56	2.520	340/6	0.113
योग . .	<u>2.520</u>	337/3	0.129
कुल योग . .	<u>23.217</u>	335	0.032

(2) सार्वजनिक प्रयोजन—हालोन सिंचाई परियोजना के निर्माण हेतु भूमि की आवश्यकता है.	336/1	0.101
	336/5	0.182
	337/1	0.834
(3) भूमि का नक्शा (प्लान) का निरीक्षण कलेक्टर (भू-अर्जन) अधिकारी, बालाघाट के न्यायालय में किया जा सकता है.	337/4	0.045

क्र. 37-अ-82-वर्ष 2012-13.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की, अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अंतर्गत, इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि को उक्त प्रयोजन के लिये आवश्यकता है:—

अनुसूची

(1) भूमि का वर्णन—

(क) जिला—बालाघाट	खसरा	रकबा
(ख) तहसील—कटंगी	नम्बर	(हेक्टर में)

(1)	(2)	उक्त प्रयोजन के लिए आवश्यकता है :—
564/2	0.162	अनुसूची
563/1	0.061	(1) भूमि का वर्णन—
563/2	0.226	(क) जिला—धार
555/1	0.280	(ख) तहसील—कुक्षी
391/1	0.389	(ग) ग्राम—भत्यारी
474/7, 476/2, 479/2	0.126	(घ) लगभग क्षेत्रफल—8.529 हेक्टर.
496/4	0.134	
497/498	0.191	
387/4	0.040	
391/2	0.121	वन अधिकार बीट प्लाट प्रभावित क्षेत्रफल
394/3	0.494	धारक का क्रमांक क्रमांक (हेक्टर में)
394/2	0.065	नाम (1) (2) (3) (4)
392, 393/2	0.117	रामा/नाहरसिंह 8 1 0.480
512/2	0.364	रामा/नाहरसिंह 8 2 0.357
512/1	0.117	रामा/नाहरसिंह 8 3 0.243
512/3	0.121	रामा/नाहरसिंह 8 4 0.224
511	0.010	रामा/नाहरसिंह 8 5 0.770
474/3, 476/1, 479/1	0.190	रामा/नाहरसिंह 6 6 1.613
490/2	0.053	केरू/नहारसिंह 8 1 0.648
555/2	0.259	केरू/नहारसिंह 8 2 0.208
योग . .	<u>9.369</u>	केरू/नहारसिंह 8 3 0.246

(2) सार्वजनिक प्रयोजन—बालाघाट जिले में कटंगी से तिरोडी नई बड़ी रेल लाईन निर्माण हेतु भूमि की आवश्यकता है।

(3) भूमि का नक्शा (प्लान) का निरीक्षण कलेक्टर (भू-अर्जन) अधिकारी बालाघाट के न्यायालय में एवं हल्का पटवारी के मुख्यालय ग्राम अर्जुननाला में किया जा सकता है।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
बी. चन्द्रशेखर, कलेक्टर एवं पदेन उपसचिव।

वन अधिकार बीट प्लाट प्रभावित क्षेत्रफल	धारक का क्रमांक क्रमांक (हेक्टर में)	नाम (1) (2) (3) (4)
रामा/नाहरसिंह 8 1 0.480		
रामा/नाहरसिंह 8 2 0.357		
रामा/नाहरसिंह 8 3 0.243		
रामा/नाहरसिंह 8 4 0.224		
रामा/नाहरसिंह 8 5 0.770		
रामा/नाहरसिंह 6 6 1.613		
केरू/नहारसिंह 8 1 0.648		
केरू/नहारसिंह 8 2 0.208		
केरू/नहारसिंह 8 3 0.246		
केरू/नहारसिंह 8 4 0.585		
केरू/नहारसिंह 8 5 0.707		
केरू/नहारसिंह 8 6 0.545		
जैराम/प्रतापसिंह 8 1 0.224		
मुकामसिंह/जुगा 7 1 0.595		
करमसिंह/इन्द्रसिंह 7 1 0.399		
जुवारसिंह/भूरुसिंह 7 1 0.408		
कुंवरसिंह/भूरुसिंह 7 1 0.277		
योग . . 8.529		

कार्यालय, कलेक्टर, जिला धार, मध्यप्रदेश एवं पदेन उपसचिव, मध्यप्रदेश शासन, राजस्व विभाग

धार, दिनांक 29 जुलाई 2013

क्र. 9977-भू-अर्जन-2013.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिये आवश्यकता है। अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अंतर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की

(2) सार्वजनिक प्रयोजन जिसके लिए भूमि की आवश्यकता है—“ओझर नाला तालाब सिंचाई परियोजना के निर्माण से प्रभावित होने से।”

(3) भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी राजस्व एवं भू-अर्जन अधिकारी कुक्षी तथा कार्यपालन यंत्री, जल संसाधन, संभाग मनावर, जिला धार के कार्यालय में कार्यालयीन समय में देखा जा सकता है।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
सी. बी. सिंह, कलेक्टर एवं पदेन उपसचिव।

कार्यालय, कलेक्टर, जिला रतलाम, मध्यप्रदेश एवं
पदेन उपसचिव, मध्यप्रदेश शासन, राजस्व विभाग

रतलाम, दिनांक 31 जुलाई 2013

क्र. 3604-भू-अर्जन-2013-प्र. क्र. 2-अ-82-12-13.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के खाने (1) में वर्णित भूमि की, अनुसूची के खाने (2) में उल्लिखित सार्वजनिक प्रयोजन के लिये आवश्यकता है। अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अंतर्गत इसके द्वारा, यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन—

- (क) जिला—रतलाम
- (ख) तहसील—सैलाना
- (ग) ग्राम—शिवजी का टापरा
- (घ) लगभग क्षेत्रफल—4.97 हेक्टर।

सर्वे क्रमांक (1)	रकबा (हे. में) (2)
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निजी भूमि

4	0.03
8	0.60
9	0.21
10	0.07
15	0.06
27	0.30
6	0.15
7	0.16
17	0.19
18	0.65
19	0.50
21	0.27
22	0.11
23	0.38
24	0.12
25	0.12
26	0.15
44	0.03
20/1	0.44
20/2	0.17
कुल योग . .	4.71

सर्वे क्रमांक (1)	रकबा (हे. में) (2)
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शासकीय भूमि

1	0.26
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योग . .	0.26
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कुल योग . .	4.97
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- (2) सार्वजनिक प्रयोजन का वर्णन जिसके लिये भूमि की आवश्यकता है—प्रभावित दुंगरपुर रतलाम वाया बांसवाड़ा न्यू रेल्वे लाईन निर्माण (परियोजना) हेतु।
- (3) भूमि का नक्शा (प्लान) का निरीक्षण, भू-अर्जन अधिकारी एवं अनुविभागीय अधिकारी, राजस्व, सैलाना के कार्यालय में किया जा सकता है।

क्र. 3606-भू-अर्जन-2013-प्र. क्र. 4-अ-82-12-13.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के खाने (1) में वर्णित भूमि की, अनुसूची के खाने (2) में उल्लिखित सार्वजनिक प्रयोजन के लिये आवश्यकता है। अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अंतर्गत इसके द्वारा, यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन—

- (क) जिला—रतलाम
- (ख) तहसील—सैलाना
- (ग) ग्राम—खेरखुंटा
- (घ) लगभग क्षेत्रफल—2.30 हेक्टर।

सर्वे क्रमांक (1)	रकबा (हे. में) (2)
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निजी भूमि

69	0.12
63	0.03
65	0.60
66	0.04
67	0.08
56	0.11
68	0.05
योग . .	2.03

सर्वे क्रमांक (1)	रकबा (हे. में) शासकीय भूमि 57	(1)	(2)
		41/2/1	0.37
		25	0.32
		3	1.35
		18	0.02
	योग . . 0.27	9	0.31
	कुल योग . . 2.30	22	1.28
		12	0.54
(2)		14	0.50
	आवश्यकता है—प्रभावित डुंगरपुर रतलाम वाया बांसवाड़ा न्यू रेल्वे लाईन निर्माण (परियोजना) हेतु.	7	0.04
(3)		4/3	0.02
		85/2/3	0.39
		48	0.05
		49	0.82
		योग . .	9.17

क्र. 3608-भू-अर्जन-2013-प्र. क्र. 5-अ-82-12-13.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के खाने (1) में वर्णित भूमि की, अनुसूची के खाने (2) में उल्लिखित सार्वजनिक प्रयोजन के लिये आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अंतर्गत इसके द्वारा, यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन—

- (क) जिला—रतलाम
- (ख) तहसील—सैलाना
- (ग) ग्राम—फतेहपुरिया
- (घ) लगभग क्षेत्रफल—11.63 हेक्टर.

सर्वे क्रमांक (1)	रकबा (हे. में) निजी भूमि 54/87	(2)
13	0.61	
15	0.59	
16	0.13	
8	0.18	
21	0.57	
23	0.02	
2	0.43	
10/88	0.06	
85/2/2	0.16	
	0.41	

सरकारी भूमि

10	0.19
51	0.02
84	0.10
1	0.12
81	0.10
41/2/4	0.62
50	0.36
52	0.20
54	0.62
83	0.13
योग . .	2.46

निजी एवं शासकीय भूमि . . 11.63

का कुल योग

- (2) सार्वजनिक प्रयोजन का वर्णन जिसके लिये भूमि की आवश्यकता है—प्रभावित डुंगरपुर रतलाम वाया बांसवाड़ा न्यू रेल्वे लाईन निर्माण (परियोजना) हेतु.
- (3) भूमि का नक्शा (प्लान) का निरीक्षण, भू-अर्जन अधिकारी एवं अनुविभागीय अधिकारी, राजस्व, सैलाना के कार्यालय में किया जा सकता है.

क्र. 3610-भू-अर्जन-2013-प्र. क्र. 6-अ-82-12-13.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के खाने (1) में वर्णित भूमि की, अनुसूची के खाने (2) में उल्लिखित सार्वजनिक प्रयोजन के लिये

आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अंतर्गत इसके द्वारा, यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन—

- (क) जिला—रतलाम
- (ख) तहसील—सैलाना
- (ग) ग्राम—वखतपुराकला
- (घ) लगभग क्षेत्रफल—2.38 हेक्टर.

सर्वे क्रमांक (1)	रकबा (हे. में) निजी भूमि	सर्वे क्रमांक (1)	रकबा (हे. में) निजी भूमि
222	0.30	2	0.05
योग . .	<u>0.30</u>	3	0.21
		4	0.41
		5	0.55
		6	0.43
		7	0.20
		8	0.27
		9	0.70
		10	0.36
		11	0.32
		12	0.21
		14	0.02
		15	0.04
		योग . .	<u>3.77</u>

सरकारी भूमि

218	0.03
219	0.09
223	0.36
220	1.60
योग . .	<u>2.08</u>
निजी एवं शासकीय भूमि . .	<u>2.38</u>
का कुल योग	

- (2) सार्वजनिक प्रयोजन का वर्णन जिसके लिये भूमि की आवश्यकता है—प्रभावित डुंगरपुर रतलाम वाया बांसवाड़ा न्यू रेल्वे लाईन निर्माण (परियोजना) हेतु.
- (3) भूमि का नक्शा (प्लान) का निरीक्षण, भू-अर्जन अधिकारी एवं अनुविभागीय अधिकारी, राजस्व, सैलाना के कार्यालय में किया जा सकता है.

क्र. 3612-भू-अर्जन-2013-प्र. क्र. 7-अ-82-12-13.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के खाने (1) में वर्णित भूमि की, अनुसूची के खाने (2) में उल्लिखित सार्वजनिक प्रयोजन के लिये आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6

के अंतर्गत इसके द्वारा, यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन—

- (क) जिला—रतलाम
- (ख) तहसील—सैलाना
- (ग) ग्राम—धनजी का टापरा
- (घ) लगभग क्षेत्रफल—3.77 हेक्टर.

सर्वे क्रमांक (1)	रकबा (हे. में) निजी भूमि	सर्वे क्रमांक (1)	रकबा (हे. में) निजी भूमि
2	0.05	8	0.27
3	0.21	9	0.70
4	0.41	10	0.36
5	0.55	11	0.32
6	0.43	12	0.21
7	0.20	14	0.02
8	0.27	15	0.04
9	0.70	योग . .	<u>3.77</u>
10	0.36		
11	0.32		
12	0.21		
14	0.02		
15	0.04		

- (2) सार्वजनिक प्रयोजन का वर्णन जिसके लिये भूमि की आवश्यकता है—प्रभावित डुंगरपुर रतलाम वाया बांसवाड़ा न्यू रेल्वे लाईन निर्माण (परियोजना) हेतु.
- (3) भूमि का नक्शा (प्लान) का निरीक्षण, भू-अर्जन अधिकारी एवं अनुविभागीय अधिकारी, राजस्व, सैलाना के कार्यालय में किया जा सकता है.

क्र. 3614-भू-अर्जन-2013-प्र. क्र. 8-अ-82-12-13.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के खाने (1) में वर्णित भूमि की, अनुसूची के खाने (2) में उल्लिखित सार्वजनिक प्रयोजन के लिये आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6

के अंतर्गत इसके द्वारा, यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

के अंतर्गत इसके द्वारा, यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन—

- (क) जिला—रतलाम
- (ख) तहसील—सैलाना
- (ग) ग्राम—निनामा का टापरा
- (घ) लगभग क्षेत्रफल—05.18 हेक्टर.

सर्वे क्रमांक	रकबा (हे. में)
(1)	(2)

निजी भूमि

177	0.46
192	0.75
167	0.26
168	0.39
178	0.54
180	0.12
193	0.43
165	0.28
योग . .	<u>3.23</u>

सरकारी भूमि

166	0.89
170	0.36
195	0.05
173	0.27
179	0.38
योग . .	<u>1.95</u>

निजी एवं शासकीय भूमि . .

5.18

का कुल योग

(2) सार्वजनिक प्रयोजन का वर्णन जिसके लिये भूमि की आवश्यकता है—प्रभावित डुंगरपुर रतलाम वाया बांसवाड़ा न्यू रेल्वे लाईन निर्माण (परियोजना) हेतु।

(3) भूमि का नक्शा (प्लान) का निरीक्षण, भू-अर्जन अधिकारी एवं अनुविभागीय अधिकारी राजस्व, सैलाना के कार्यालय में किया जा सकता है।

क्र. 3616-भू-अर्जन-2013-प्र. क्र. 9-अ-82-12-13.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के खाने (1) में वर्णित भूमि की, अनुसूची के खाने (2) में उल्लिखित सार्वजनिक प्रयोजन के लिये आवश्यकता है। अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6

अनुसूची

(1) भूमि का वर्णन—

- (क) जिला—रतलाम
- (ख) तहसील—सैलाना
- (ग) ग्राम—पाटड़ी
- (घ) लगभग क्षेत्रफल—22.44 हेक्टर।

सर्वे क्रमांक	रकबा (हे. में)
(1)	(2)

निजी भूमि

105	0.35
84	0.10
106	0.65
171	0.20
107	0.70
83	0.75
93	0.08
95	0.25
91/366	0.20
74/21	0.7
172	0.05
43	0.40
74/22	0.20
74/15	0.10
44	0.10
168	1.45
102	0.40

94 0.97

63 0.10

92 0.06

103/100 0.06

74/16 0.55

169 0.92

73 0.06

90 0.03

91 0.01

योग . . 8.81

सर्वे क्रमांक (1)	रकबा (हे. में) सरकारी भूमि	(ग) ग्राम—शिवगढ़ (घ) लगभग क्षेत्रफल—22.06 हेक्टर.
184	0.05	
74/365	0.10	
74/1	0.85	282
41	0.10	323/2
168/370	0.22	283
45	0.60	329
71	0.10	387
85	0.15	388
104	0.10	389
167	0.43	390
62	1.40	391
69	2.30	332
170	4.45	277
39	0.20	288
42	2.30	317
166	0.28	397
योग . .	<u>13.63</u>	398
निजी एवं शासकीय भूमि . .	<u>22.44</u>	399
का कुल रकबा		400
(2) सार्वजनिक प्रयोजन जिसके लिये भूमि की आवश्यकता है—प्रभावित डुंगरपुर रतलाम वाया बांसवाड़ा न्यू रेल्वे लाईन निर्माण (परियोजना) हेतु.		403
(3) भूमि का नक्शा (प्लान) का निरीक्षण, भू-अर्जन अधिकारी एवं अनुविभागीय अधिकारी, राजस्व, सैलाना के कार्यालय में किया जा सकता है.		404
क्र. 3618-भू-अर्जन-2013-प्र. क्र. 10-अ-82-12-13.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के खाने (1) में वर्णित भूमि की, अनुसूची के खाने (2) में उल्लिखित सार्वजनिक प्रयोजन के लिये आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अंतर्गत इसके द्वारा, यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—		405
अनुसूची		377
(1) भूमि का वर्णन—		287
(क) जिला—रतलाम		383
(ख) तहसील—सैलाना		381
		369/2
		396
		370
		372
		373
		276
		371
		374
		375
		376
		302
		292

(1)	(2)
278	0.45
280	0.60
274	0.10
257	0.17
369/1	0.75
386/2	0.28
279/2	0.50
392	0.31
285	0.38
272/1	0.04
386/1	0.85
272/2	0.01
273	0.17
393	0.93
331	0.40
286	0.31
271	0.08
योग . .	<u>21.13</u>

भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अंतर्गत इसके द्वारा, यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन—

- (क) जिला—रत्लाम
- (ख) तहसील—सैलाना
- (ग) ग्राम—झुंगरापुजा
- (घ) लगभग क्षेत्रफल—5.00 हेक्टर.

सर्वे रकमा

क्रमांक (हे. में)

(1) (2)

निजी भूमि

78	0.42
85	0.22
86	0.24
योग . .	<u>0.88</u>

सरकारी भूमि

सरकारी भूमि

77	2.07
114	1.66
79	0.04
83	0.10
84	0.25
योग . .	<u>4.12</u>

निजी एवं शासकीय भूमि . . 5.00

का कुल योग

निजी एवं शासकीय भूमि . . 22.06

का कुल योग

(2) सार्वजनिक प्रयोजन जिसके लिये भूमि की आवश्यकता है—प्रभावित झुंगरपुर रत्लाम वाया बांसवाड़ा न्यू रेल्वे लाईन निर्माण (परियोजना) हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण, भू-अर्जन अधिकारी एवं अनुविभागीय अधिकारी, राजस्व, सैलाना के कार्यालय में किया जा सकता है.

क्र. 3620-भू-अर्जन-2013-प्र. क्र. 11-अ-82-12-13.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के खाने (1) में वर्णित भूमि की, अनुसूची के खाने (2) में उल्लिखित सार्वजनिक प्रयोजन के लिये आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6

(2) सार्वजनिक प्रयोजन जिसके लिये भूमि की आवश्यकता है—प्रभावित झुंगरपुर रत्लाम वाया बांसवाड़ा न्यू रेल्वे लाईन निर्माण (परियोजना) हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण, भू-अर्जन अधिकारी एवं अनुविभागीय अधिकारी, राजस्व, सैलाना के कार्यालय में किया जा सकता है.

क्र. 3622-भू-अर्जन-2013-प्र. क्र. 12-अ-82-12-13.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के खाने (1) में वर्णित भूमि की, अनुसूची के खाने (2) में उल्लिखित सार्वजनिक प्रयोजन के लिये आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6

के अंतर्गत इसके द्वारा, यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची		(1)	(2)
(1) भूमि का वर्णन—		539	0.08
(क) जिला—रतलाम		540	1.12
(ख) तहसील—सैलाना		544	0.75
(ग) ग्राम—घोड़ापल्ला		545	0.65
(घ) लगभग क्षेत्रफल—28.94 हेक्टर.		546	0.42
		23	0.03
		योग . .	11.60

सरकारी भूमि

सर्वे	रकबा	(1)	(2)
क्रमांक	(हे. में)		
निजी भूमि			
2	0.20	541	0.40
3	0.95	414	1.79
11	0.18	459	0.12
410	0.11	465	0.50
13	0.40	364	1.20
461	0.03	413	2.53
462	0.26	458	1.75
19	0.60	1	0.28
543	0.43	24	0.08
20	0.05	359	0.09
536	0.40	363	0.14
542	0.13	365	0.15
393	0.26	402	0.65
394	0.43	405	0.04
403	0.47	532	0.04
404	0.01	547	0.16
406	0.02	549	0.11
411	0.48	535	0.70
464	0.60	4	0.98
412	0.78	12	1.57
415	0.45	15	0.28
416	0.06	17	1.11
417	0.12	18	1.15
418	0.24	360	1.52
419	0.04	योग . .	17.34

निजी एवं शासकीय भूमि . . 28.94

का कुल योग

- (2) सार्वजनिक प्रयोजन जिसके लिये भूमि की आवश्यकता है—प्रभावित दुंगरपुर रतलाम वाया बांसवाड़ा न्यू रेल्वे लाईन निर्माण (परियोजना) हेतु.
- (3) भूमि का नक्शा (प्लान) का निरीक्षण, भू-अर्जन अधिकारी एवं अनुविभागीय अधिकारी, राजस्व, सैलाना के कार्यालय में किया जा सकता है.

क्र. 3624-भू-अर्जन-2013-प्र. क्र. 13-अ-82-12-13.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की, अनुसूची के पद (2) में उल्लिखित सार्वजनिक प्रयोजन के लिये आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अंतर्गत इसके द्वारा, यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन—

- (क) जिला—रतलाम
- (ख) तहसील—सैलाना
- (ग) ग्राम—बारड़ा
- (घ) लगभग क्षेत्रफल—1.23 हेक्टर.

भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अंतर्गत इसके द्वारा, यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन—

- (क) जिला—रतलाम
- (ख) तहसील—सैलाना
- (ग) ग्राम—बायाटोक
- (घ) लगभग क्षेत्रफल—15.70 हेक्टर.

सर्वे	रकबा	सर्वे	रकबा
क्रमांक	(हे. में)	क्रमांक	(हे. में)
(1)	(2)	(1)	(2)
निजी भूमि			निजी भूमि
729	0.40	1	15
735	0.10	2	16
योग . .	<u>0.50</u>	3	18
		4	17
		5	51
		6	54
		7	60
		61	0.26
		28	0.02
		34	0.36
		35	0.10
728	0.05	36	0.40
730	0.45	63	0.04
731	0.23	41	0.10
योग . .	<u>0.73</u>	43	0.09
निजी एवं शासकीय भूमि . .	<u>1.23</u>	42	0.65
का कुल योग		51	0.08
		52	0.72
(2) सार्वजनिक प्रयोजन जिसके लिये भूमि की आवश्यकता है—प्रभावित दुंगरपुर रतलाम वाया बांसवाड़ा न्यू रेल्वे लाईन निर्माण (परियोजना) हेतु.		57	0.14
(3) भूमि का नक्शा (प्लान) का निरीक्षण भू-अर्जन अधिकारी एवं अनुविभागीय अधिकारी राजस्व सैलाना के कार्यालय में किया जा सकता है.		87	0.36
क्र. 3626-भू-अर्जन-2013-प्र. क्र. 14-अ-82-12-13.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की, अनुसूची के पद (2) में उल्लिखित सार्वजनिक प्रयोजन के लिये आवश्यकता है. अतः		53	0.16
		81	0.16
		55	0.07
		56	0.06
		58	0.06
		85	0.05
		88	0.07
		151	0.07
		योग . .	<u>6.06</u>

सर्वे क्रमांक (1)	रकबा (हे. में) (2)	(1)	(2)
		260	0.72
		111	0.95
	सरकारी भूमि		
10	2.43	112	0.48
40	2.31	496	0.10
11	0.98	482	0.47
70	0.09	259	0.07
14	1.98	487/4	0.10
49	1.31	274	0.17
62	0.11	275	0.33
80	0.43	276	0.03
	योग . . <u>9.77</u>	431	0.36
	निजी एवं शासकीय भूमि . . <u>15.70</u>	439	0.19
	का कुल योग	265	0.24
		266	0.03
(2)	सार्वजनिक प्रयोजन जिसके लिये भूमि की आवश्यकता है—प्रभावित डुंगरपुर रतलाम वाया बांसवाड़ा न्यू रेल्वे लाइन निर्माण (परियोजना) हेतु.	267	0.02
		268	0.23
		269	0.04
(3)	भूमि का नक्शा (प्लान) का निरीक्षण भू-अर्जन अधिकारी एवं अनुविभागीय अधिकारी राजस्व सैलाना के कार्यालय में किया जा सकता है.	421	0.38
		488	0.07
		264	0.34
		423	0.03
	क्र. 3628-भू-अर्जन-2013-प्र. क्र. 15-अ-82-12-13.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की, अनुसूची के पद (2) में उल्लिखित सार्वजनिक प्रयोजन के लिये आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अंतर्गत इसके द्वारा, यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—	493/2	0.05
	अनुसूची	144	0.42
(1)	भूमि का वर्णन—	426	0.06
	(क) जिला—रतलाम	484/4	0.05
	(ख) तहसील—सैलाना	487/2	0.03
	(ग) ग्राम—साकड़	145	0.59
	(घ) लगभग क्षेत्रफल—14.07 हेक्टर.	438	0.07
	सर्वे क्रमांक (1)	483	0.31
	रकबा (हे. में) (2)	484	0.01
	निजी भूमि	485	0.15
	490	486	0.18
	0.09	487/3	0.14
	129	481	0.40
	0.01	491	0.01

(1)	(2)
493	0.60
497	0.03
272	0.28
489	0.28
422	0.22
430	0.01
279	0.30
योग . .	<u>11.46</u>

कार्यालय, कलेक्टर, जिला छतरपुर, मध्यप्रदेश एवं पदेन उपसचिव, मध्यप्रदेश शासन, राजस्व विभाग
छतरपुर, दिनांक 5 अगस्त 2013

प्र. क्र. 5 अ-82 वर्ष-2012-13.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की, अनुसूची के पद (2) में उल्लेखित भूमि की सार्वजनिक प्रयोजन के लिए आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की सार्वजनिक प्रयोजन के लिए आवश्यकता है:—

सरकारी भूमि

428	0.24
262	0.08
131	0.13
133	0.60
143	0.07
280	0.02
416	0.10
437	0.06
134	0.02
146	0.02
234	0.22
263	0.05
270	0.20
271	0.02
101	0.14
409	0.20
494	0.14
110	0.30
योग . .	<u>2.61</u>
निजी एवं शासकीय भूमि . .	<u>14.07</u>
का कुल योग	

(2) सार्वजनिक प्रयोजन जिसके लिये भूमि की आवश्यकता है—प्रभावित दुंगरपुर रत्तलाम वाया बांसवाड़ा न्यू रेल्वे लाईन निर्माण (परियोजना) हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण भू-अर्जन अधिकारी एवं अनुविभागीय अधिकारी राजस्व सेलाना के कार्यालय में किया जा सकता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजीव दुबे, कलेक्टर एवं पदेन उपसचिव.

अनुसूची

(1) भूमि का वर्णन—

(क) जिला—छतरपुर
(ख) तहसील—बिजावर
(ग) ग्राम—वेदपुरा
(घ) लगभग क्षेत्रफल निजी भूमि—4.372 हेक्टर.

खसरा नं.	अर्जित रकबा (हे. में)
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(1)	(2)
64	0.179
65	0.045
88	0.318
87	0.021
91	0.732
97/2	0.162
98/2	0.454
98/3	1.114
90	0.692
103/2	0.085
103/3	0.050
103/5	0.090
102/1क	0.430
योग . .	<u>4.372</u>

(2) श्यामरी मध्यम परियोजना अन्तर्गत बांध निर्माण हेतु सार्वजनिक प्रयोजन के लिये आवश्यकता है.

(3) भूमि के नक्शों (प्लान) का निरीक्षण भू-अर्जन अधिकारी एवं अनुविभागीय अधिकारी (राजस्व) बिजावर में किया जा सकता है.

छतरपुर, दिनांक 6 अगस्त 2013

(1) (2)

प्र. क्र. 2 अ-82-2012-13.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की, अनुसूची के पद (2) में उल्लेखित भूमि की सार्वजनिक प्रयोजन के लिए आवश्यकता है। अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है:—

अनुसूची

(1) भूमि का वर्णन—

(क) जिला—छतरपुर	277/3	0.014
(ख) तहसील—छतरपुर	483/2	0.178
(ग) नगर/ग्राम—रनांगना	484/1	0.021
(घ) लगभग क्षेत्रफल—15.499 हेक्टर.	485/2	0.250

तडपेड बांध योजना में अर्जित निजी भूमि का विवरण

खसरा नं. (1)	अर्जित रकमा (हे. में) (2)	
2	0.040	483/3
3	0.121	484/2
4/2	0.324	485/3
49	0.599	489
51	0.340	490/4
53	0.154	244/क/1
52	0.235	268/1
238	0.388	270/3
487	0.097	268/2
54/1	0.353	269
244/ख	0.380	270/1
229	0.914	276/1
240	1.368	277/1
230	0.400	485/1
242	0.380	490/1
231	0.040	271
235	0.463	275/1
236	0.825	275/2
241	0.356	480/1
245	0.170	481/1
248	0.615	480/2
261/1	0.107	481/2

(1)	(2)	(1)	(2)
486	0.202	803/2	0.672
491	0.299	807/1क	1.096
497/3	0.090	807/2क	0.064
497/4	0.078	805	1.821
493	0.299	809	0.914
498	0.057	811	1.919
499	0.267	812	0.615
497/1	0.090	813/1	0.947
497/2	0.090	814/1	0.288
योग . .	<u>15.499</u>	814/3	0.809

(2) सार्वजनिक प्रयोजन के लिये आवश्यकता है।— तड़पेड बांध योजना के भराव हेतु।

(3) भूमि के नक्शे (प्लान) का निरीक्षण, अनुविभागीय अधिकारी एवं भू-अर्जन अधिकारी, छतरपुर के कार्यालय में किया जा सकता है।

प्र. क्र. 4 अ-82-2012-13.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की, अनुसूची के पद (2) में उल्लेखित भूमि की सार्वजनिक प्रयोजन के लिए आवश्यकता है। अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है:—

अनुसूची

(1) भूमि का वर्णन—

- (क) जिला—छतरपुर
- (ख) तहसील—छतरपुर
- (ग) नगर/ग्राम—भेलसी
- (घ) लगभग क्षेत्रफल—102.066 हेक्टर।

तड़पेड बांध योजना में अर्जित निजी भूमि का विवरण

खसरा नं. (1)	अर्जित रकमा (हे. में) (2)	832	1.781
801/1	0.162	833	0.113
803/1	0.453	843	0.105
807/1ख	1.097	845	0.648
807/2क	0.065	893	0.162
801/2	0.113	840	0.340
		841	0.437
		842	0.186

(1)	(2)	(1)	(2)
848	1.230	902/1	1.619
844	1.983	902/2/1	0.809
846	1.416	902/2/2	0.810
847	1.765	903	0.445
949/2	0.421	904/2	0.154
849	0.825	905	1.716
850	0.607	907/1	0.200
949/1	0.421	907/2	0.800
851	1.393	907/3	0.507
852	0.664	907/4	0.500
834	0.154	910	0.583
836	1.181	919	0.478
853	1.257	913/1	0.534
854	5.003	947/3 क	0.264
855/1	1.149	955/1 ख	0.216
855/2/1	0.383	915/2 क	2.023
855/2/2	0.383	915/2 ख	1.254
855/2/3	0.383	935/2	0.769
856/1	0.977	917/2/1	0.254
856/2	0.331	917/2/2	0.371
856/3	0.200	918/1	0.027
911	0.105	924	0.526
862	0.243	926	0.243
889	0.454	927/1	1.505
890	1.100	947/2	0.360
891	0.356	925	0.040
901	1.345	927/2	0.713
914	0.486	931/1	0.642
915/1	0.154	931/2	0.648
916/1	0.486	941	1.505
892/2 क	0.405	942/1	1.352
894/1	0.374	943	0.599
894/2	0.274	932	0.219
904/1 क	0.351	934	0.556
904/1 ख	0.151	888/1	0.113
895/1	0.207	935/1	1.416
895/2	0.408	935/3	0.624
954/2	0.295	948	0.168
751	0.186	936	1.071
837	0.129	937/1	0.267
838	0.170	937/2	0.267
953	0.413	937/3	0.267

(1)	(2)	सार्वजनिक प्रयोजन के लिए आवश्यकता है, अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की सार्वजनिक प्रयोजन के लिए आवश्यकता है:—
944	1.149	अनुसूची
946	0.388	
955/2	0.640	
945	1.092	
947/1	0.364	(1) भूमि का वर्णन—
954/1	0.296	(क) जिला—छतरपुर
956/1	0.560	(ख) तहसील—बिजावर
957/2	0.780	(ग) नगर/ग्राम—धरमपुरा
956/2	0.362	(घ) लगभग क्षेत्रफल—189.495 हेक्टर.
957/1	0.580	
961	0.356	
962	0.227	खसरा
963	0.105	क्रमांक
965	0.445	(1) (2)
913/2	0.684	3 1.315
860/2	0.105	7/1/1 0.276
350/1	0.048	7/1/2 0.275
350/2	0.291	7/1/3 0.275
813/2	0.947	10 1.052
892/2 ख	0.404	11 0.417
885/क	0.162	15 0.273
888/2/1	0.462	16 0.364
888/2/2	0.470	17 0.243
888/2/3	0.250	24 0.930
888/2/4	0.267	25 2.105
804/क1	0.230	26 0.438
804/क2	0.540	28 1.011
804 ख	0.065	46 0.866
418/2	0.500	49 0.607
942/2	0.809	50 0.607
योग . .	<u>102.066</u>	54 0.785
		57/1/2 0.425
(2) सार्वजनिक प्रयोजन के लिये आवश्यकता है— तड़पेड बांध योजना के भराव हेतु,		58 0.538
(3) भूमि के नक्शे (प्लान) का निरीक्षण, अनुविभागीय अधिकारी एवं भू-अर्जन अधिकारी, छतरपुर के कार्यालय में किया जा सकता है.		62 0.979
		64 0.971
		65 1.303
		66 1.441
		76 1.635
		77 0.361
		78 0.485
		79 0.162
		80 0.474

प्र. क्र. 4 अ-82-2012-13.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की, अनुसूची के पद (2) में उल्लेखित भूमि की

(1)	(2)	(1)	(2)
81	0.481	184	0.227
83	0.110	185	0.599
84	0.184	186	0.264
93	0.202	187	0.522
94	0.783	188	0.108
95	0.090	189	0.180
96	0.045	190	0.158
98	0.100	192	0.833
121	0.190	193	0.251
127	0.267	194	0.858
128	1.047	199	0.129
137	1.342	200	0.713
139	0.668	201	1.739
140	0.575	203	0.324
141	1.222	207	0.401
144	0.942	208	0.526
145	1.141	210	0.283
146	0.688	211	0.320
147	0.514	213	0.627
148	0.615	215	0.248
149	0.283	216	0.283
150	0.117	217	0.256
151	0.016	218	0.356
152	0.372	225	0.03
153	0.829	226	0.04
154	0.616	227	0.101
155	0.818	231	0.210
156	1.447	235	0.235
160	0.971	236	0.166
161	0.841	239	0.155
162	0.709	240	0.060
164	0.667	317	0.150
166	0.648	319	0.014
167	1.214	321	0.053
168	0.761	322	0.040
169	0.761	323	0.069
171	0.559	324	0.065
172	0.570	325	0.093
173	0.393	326	0.045
174	0.049	327	0.178
175	2.007	328	0.142
179	0.648	331	0.085

(1)	(2)	(1)	(2)
333	0.450	390	0.295
337	0.648	391	0.190
338	0.332	392	0.004
340	0.482	393	0.332
341	0.405	394	0.332
342	0.364	395	0.328
343	0.227	396	0.380
345	0.584	397	0.243
347	0.332	398	0.300
348	0.097	402	0.020
349	0.198	403	0.040
350	0.462	404	0.020
356	0.833	405	0.036
357	0.474	406	0.105
358	0.162	658	0.603
360	0.150	659	0.902
361	0.243	660	0.271
362	0.206	661	0.373
363	0.202	665	0.841
364	0.206	666	1.003
365	0.020	667	0.344
366	0.539	670	0.437
367	0.542	671	0.567
369	0.271	672	0.397
370	0.266	673	0.437
371	0.393	474	0.263
372	0.470	675	0.081
373	0.466	678	0.579
374	0.227	679	0.611
375	0.154	680	0.547
376	0.008	687	0.200
377	0.558	688	0.040
378	0.595	2200	0.020
380	0.235	2201	0.182
381	0.616	2202	0.271
382	0.202	2204	0.008
383	0.202	2205	0.332
385	0.344	2207	0.915
386	0.235	2208	0.008
387	0.299	2209	0.587
388	0.219	2212	1.619
389	0.324	2214	0.768

(1)	(2)	(1)	(2)
2217	0.781	170/1	0.241
2218	0.020	170/2	0.241
2220	1.275	170/3	0.241
2221	0.668	170/4	0.240
2222	0.955	170/5	0.240
2223	0.486	170/6	0.020
2224	0.910	176/1	0.785
2225	0.729	176/2/1	0.560
2231	0.283	176/2/2	0.561
2232	0.263	176/3	0.616
2233	0.789	182/1/1	0.503
2234	0.202	182/1/2	0.503
2237	0.607	182/1/3	0.005
2238	0.769	182/2/1	0.405
2240	0.085	182/2/2	0.404
2243	1.133	20/1	0.405
2247	0.263	205/2	0.500
2248	1.416	209/1	0.241
2249	0.283	209/2	0.241
2250	0.049	219/2	0.250
2252	0.142	219/3/1	0.249
2256	0.522	219/3/2	0.249
2263	1.032	219/4	1.226
2266	1.011	219/5	0.500
2273	0.843	219/6	0.390
2274	0.609	2864/377	0.251
2277	0.708	2865/377	0.907
2279	0.849	2866/377	0.299
2280	1.012	2867/369	0.429
118/2	0.055	2880/2876	0.324
123/1	0.310	2229/1	0.764
138/1/1	0.054	2236/2	0.332
143/1	0.551	224/2	0.109
143/2	0.243	2245/1	0.186
157/1	0.450	2245/2	0.093
157/2	0.324	2245/2/1	0.093
158/1	0.530	2253/1	0.041
158/2	0.265	2253/2	0.040
163/1	0.757	2254/1	0.040
163/2	0.809	2254/2/1	0.040
165/1	0.304	2254/2/2	0.041
165/2/1	0.307	2255/1	0.045

(1)	(2)	(1)	(2)
2255/2	0.044	36/1/3	1.809
2257/1	0.802	36/2	0.514
2257/2	0.270	36/3	0.539
2258/1	0.567	37/1	2.888
2275/1	0.101	37/1/2	1.200
2275/2	0.033	37/1/3	1.400
2275/3/1	0.031	43/1	0.384
228/1	0.152	43/2	0.057
228/2	0.152	51/1/1	0.424
2282/2/1	0.090	52/1	0.101
2282/2/2	0.100	52/2	0.101
230/1	1.146	53/1	0.429
230/2	0.044	53/2	0.458
329/1	0.085	55/2	0.413
330/1	0.286	57/1/1	0.424
330/2	0.042	6/2	0.317
352/1/1	2.000	61/1	0.662
352/1/2	2.000	61/2	0.662
352/2	0.579	655/1/2	0.809
353/1/2	0.810	655/2	0.300
353/2/1	0.218	655/3/1	0.413
353/2/2	0.218	655/4	0.839
353/2/3	0.218	655/5	0.952
353/2/4	0.219	657/1	0.809
353/2/5	0.219	668/1	0.204
353/3/1	0.206	668/2	0.408
353/3/2	0.041	677/2	0.243
353/3/3	0.041	68/1	0.328
353/3/4	0.042	68/2	0.328
353/3/5	0.041	72/1/3	1.000
353/3/6	0.042	75/1	0.518
354/1/2	1.214	89/1/2	1.619
354/1/3	0.405	89/1/3	1.619
354/2	1.044	89/2	0.595
354/3	0.611	118/1	0.190
355/1/2	0.534	379	0.425
355/3	0.964	400	0.045
355/4	0.837	422	0.058
355/5	0.619	654/2	0.202
355/6	1.000	122	1.072
36/1/1	2.000	178	0.709
36/1/2	2.000	2203/1	0.447

(1)	(2)	कार्यालय, कलेक्टर, जिला अशोकनगर, मध्यप्रदेश एवं पदेन उपसचिव, मध्यप्रदेश शासन, राजस्व विभाग अशोकनगर, दिनांक 6 अगस्त 2013
2203/2	0.448	क्र.क्यू-भू-अर्जन-514-517-2012-13.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की, अनुसूची के पद (2) में उल्लेखित भूमि की सार्वजनिक प्रयोजन के लिए आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की सार्वजनिक प्रयोजन के लिए आवश्यकता है:—
2210/1	0.300	अनुसूची
212/1	0.249	
212/2	0.249	
2213/1	0.466	
2213/2	0.466	
2278/2	1.171	
36/4	0.640	
368/1	0.093	
368/2	0.518	
384/1	0.599	
384/2	0.231	
384/3	0.136	(1) भूमि का वर्णन—
5/2	1.800	(क) जिला—अशोकनगर
52/3	0.101	(ख) तहसील—ईसागढ़
52/4	0.102	(ग) ग्राम—ईदौर
72/1/2	1.700	(घ) लगभग क्षेत्रफल—29.390 हेक्टेयर.
2268/2	0.506	
2276	0.690	सर्वे प्रस्तावित क्षेत्रफल
320	0.005	नम्बर (हेक्टेयर में)
237	0.125	(1) (2)
138/1/2	0.054	2502 0.021
138/1/3	0.054	2503 0.064
165/2/2	0.307	2742/1 0.394
2229/2	0.763	2745 0.811
2229/3	0.763	2746 0.314
2275/2/2	0.034	2747 1.150
2275/2/3	0.034	2750/3 0.470
51/1/2	0.425	2753 0.094
118/2	0.056	2754 0.110
2210/2	0.301	2756 0.209
2210/3	0.301	2755 0.209
योग . .	<u>189.495</u>	2648/3क/2 0.261
(2) श्यामरी मध्यम परियोजना अन्तर्गत बांध निर्माण हेतु सार्वजनिक प्रयोजन के लिये आवश्यकता है.		2648/3 क/1 0.351
(3) भूमि के नक्शों (प्लान) का निरीक्षण भू-अर्जन अधिकारी एवं अनुविभागीय अधिकारी (राजस्व), बिजावर में किया जा सकता है.		2648/2 0.364
मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार, मसूद अख्तर, कलेक्टर एवं पदेन उपसचिव.		2748/1 0.910
		2748/2 ख 0.209
		2748/1 क/1 0.314
		2748/2 क/2 0.399
		2803/2 0.262
		2803/3 0.262
		2803/4 0.241

(1)	(2)	कार्यालय, कलेक्टर, जिला दमोह, मध्यप्रदेश एवं पदेन उपसचिव, मध्यप्रदेश शासन, राजस्व विभाग
2803/5	0.154	
2803/6	0.143	
2803/7	0.085	दमोह, दिनांक 7 अगस्त 2013
2758	0.011	
2759	0.147	प्र. क्र. 07-अ-82 वर्ष 2012-2013.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि सम्पत्ति की, अनुसूची के पद (2) में उल्लिखित सार्वजनिक प्रयोजन के लिए भूमि की आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अंतर्गत, इसके द्वारा, यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिये आवश्यकता है:—
2760	0.131	
2763	0.586	
2764	0.756	
2765	0.209	
2769/1 क	0.324	
2769/1 ख	0.394	अनुसूची
2769/1 मि. 1	0.105	
2769/1 मि.2	0.140	(1) भूमि का वर्णन—
2769/2	0.076	(क) जिला—दमोह
2769/3	0.032	(ख) तहसील—हटा
2770/1	1.045	(ग) नगर/ग्राम—हरदुआ उमराव
2771/2 ख	1.630	(घ) लगभग क्षेत्रफल—0.10 हेक्टेयर.
2806/2	1.000	
2806/3	0.800	खसरा अर्जित रकमा
2806/4	0.836	नंबर (हेक्टेयर में)
2780/2	1.000	(1) (2)
2780/3	1.000	371/2 में से 0.05
2780/4	1.000	371/3 में से 0.05
2780/5	1.000	योग . . 0.10
2781/1	1.000	
2781/2	1.000	(2) सार्वजनिक प्रयोजन के लिए भूमि की आवश्यकता है—गर्वेह वासंन हरदुआ उमराव मार्ग निर्माण योजना के अर्जन में आने वाली भूमि में हेतु.
2781/3	1.000	
2781/4	1.000	(3) भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी, हटा एवं भू-अर्जन अधिकारी, उपखण्ड हटा के कार्यालय में देखा जा सकता है.
2781/5	1.000	
2781/6	1.000	(4) भूमि का नक्शा (प्लान) कार्यपालन यंत्री, लोक निर्माण विभाग, दमोह के कार्यालय में देखा जा सकता है.
2781/7	1.158	
2695	0.209	
2782/1	2.000	
योग . .	29.390	(5) उल्लेखित भूमि के हितबद्ध कोई व्यक्ति अधिसूचना प्रकाशन के 30 दिन के अंदर अर्जन के संबंध में आक्षेप लिखित में अनुविभागीय अधिकारी एवं भू-अर्जन अधिकारी, हटा के न्यायालय में प्रस्तुत कर सकता है.

- (2) सार्वजनिक प्रयोजन जिसके लिये आवश्यकता है—ईदौर
बांध का निर्माण हेतु.
- (3) स्थाई अर्जन.
- (4) भूमि के नक्शे (प्लान) का निरीक्षण भू-अर्जन अधिकारी,
अशोकनगर एवं कार्यपालन यंत्री, जल संसाधन संभाग,
अशोकनगर के कार्यालय में किया जा सकता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
संतोष कुमार मिश्रा, कलेक्टर एवं पदेन उपसचिव.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
स्वतंत्र कुमार सिंह, कलेक्टर एवं पदेन उपसचिव.

कार्यालय, कलेक्टर, जिला सिवनी, मध्यप्रदेश एवं
पदेन उपसचिव, मध्यप्रदेश शासन, राजस्व विभाग

सिवनी, दिनांक 12 अगस्त 2013

क्र. 1481-भू-अर्जन-2013.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की, अनुसूची के पद (2) में उल्लेखित भूमि की सार्वजनिक प्रयोजन के लिए आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है:—

अनुसूची

(1) भूमि का वर्णन—

(क) जिला—सिवनी
(ख) तहसील—सिवनी
(ग) नगर/ग्राम—सुकरी प.ह.नं.-63/51, ब. नं.-583,
रा.नि.म.-सिवनी-1
(घ) लगभग क्षेत्रफल—1.91 हेक्टेयर.

खसरा नंबर (1)	अर्जित क्षेत्रफल (हेक्टेयर में) (2)	खसरा नंबर (1)	अर्जित क्षेत्रफल (हेक्टेयर में) (2)
388	0.20	102	0.32
390	0.06	103	0.12
393/1	0.08	121	1.08
393/2	0.16	123	0.18
393/3	0.28	124	0.20
381	0.08	125	0.10
378/2	0.36	129	0.64
394	0.24	126	0.05
428/1	0.06	134/2	0.20
428/2	0.01	135	0.26
428/3	0.38	137	0.31
कुल योग . .	1.91	136	0.15
		138	0.10

(2) अर्जित की जाने वाली उल्लेखित भूमि के सार्वजनिक प्रयोजन का वर्णन जिसके लिये भूमि की आवश्यकता है—पेंच व्यपवर्तन परियोजना के अंतर्गत सिवनी शाखा नहर निर्माण हेतु.
(3) अर्जित की जाने वाली उल्लेखित प्रस्तावित भूमि का नक्शा (प्लान) का निरीक्षण भू-अर्जन अधिकारी एवं अनुविभागीय अधिकारी, तहसील सिवनी, जिला सिवनी के न्यायालय में किया जा सकता है.
(4) अर्जित की जाने वाली उल्लेखित प्रस्तावित भूमि के नक्शे (प्लान) का निरीक्षण कार्यालय यंत्री, पेंच व्यपवर्तन परियोजना, नहर संभाग सिंगना, तहसील-चौरई, जिला छिंदवाड़ा के कार्यालय में भी किया जा सकता है.

क्र. 1482-भू-अर्जन-2013.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की, अनुसूची के पद (2) में उल्लेखित भूमि की सार्वजनिक प्रयोजन के लिए आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है:—

अनुसूची

(1) भूमि का वर्णन—

(क) जिला—सिवनी
(ख) तहसील—सिवनी
(ग) नगर/ग्राम—कामकासुर प.ह.नं.-14/8, ब. नं.-45,
रा.नि.म.-बंडोल
(घ) लगभग क्षेत्रफल—11.11 हेक्टेयर.

खसरा नंबर (1)	अर्जित क्षेत्रफल (हेक्टेयर में) (2)
101	0.50
102	0.32
103	0.12
121	1.08
123	0.18
124	0.20
125	0.10
129	0.64
126	0.05
134/2	0.20
135	0.26
137	0.31
136	0.15
138	0.10
140/1	0.01
145/1	0.54
145/2	0.10
144/1	0.37
146/2	0.06
146/3	0.22
148	0.11

(1)	(2)
246	0.13
149/2	0.37
151	0.34
153	0.20
155/2	0.17
156	0.21
177/2	0.49
177/3	0.04
178	0.50
180	0.14
254	0.24
250/2	0.06
255	0.07
250/3	0.53
245	0.18
244	0.14
243/1	0.05
239	0.09
238/2	0.01
240	0.32
355	0.01
356	0.24
357	0.26
354/2	0.30
490	0.21
491/2	0.19
कुल योग . .	<u>11.11</u>

(4) अर्जित की जाने वाली उल्लेखित प्रस्तावित भूमि के नक्शे (प्लान) का निरीक्षण कार्यपालन यंत्री, पेंच व्यपवर्तन परियोजना, नहर संभाग सिंगना, तहसील-चौरई, जिला छिंदवाड़ा के कार्यालय में भी किया जा सकता है।

क्र. 1483-भू-अर्जन-2013.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की, अनुसूची के पद (2) में उल्लेखित भूमि की सावर्जनिक प्रयोजन के लिए आवश्यकता है। अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है:—

अनुसूची

(1) भूमि का वर्णन—

- (क) जिला—सिवनी
- (ख) तहसील—सिवनी
- (ग) नगर/ग्राम—कोहका, प.ह.नं.-119, ब. नं.-583, रा.नि.म.-सिवनी-1.
- (घ) लगभग क्षेत्रफल—9.30 हेक्टेयर.

खसरा अर्जित क्षेत्रफल
नंबर (हेक्टेयर में)
(1) (2)

37	0.18
89	0.24
95	0.10
87	0.06
81	0.08
85	0.08
83	0.03
80	0.10
79	0.36
54	0.40

(2) अर्जित की जाने वाली उल्लेखित भूमि के सावर्जनिक प्रयोजन का वर्णन जिसके लिये भूमि की आवश्यकता है—पेंच व्यपवर्तन परियोजना के अंतर्गत सिवनी शाखा नहर निर्माण हेतु।

41	0.22
40	0.29
42/3	0.16
39	0.30
38	0.03
28	0.01

(3) अर्जित की जाने वाली उल्लेखित प्रस्तावित भूमि का नक्शा (प्लान) का निरीक्षण भू-अर्जन अधिकारी एवं अनुविभागीय अधिकारी, तहसील सिवनी, जिला सिवनी के न्यायालय में किया जा सकता है।

31	0.28
30	0.15
26	0.10
29	0.15

(1)	(2)
27	0.40
184	0.15
183	0.20
181/1	0.34
195/2	0.20
195/3	0.60
197/3	0.06
197/2	0.59
197/1	0.02
198/1	0.45
215/1	0.20
215/3	0.20
228/1	0.18
228/2	0.22
229	0.50
232/10	0.06
232/8	0.15
232/7	0.06
232/9	0.28
236	0.01
222	0.15
238	0.34
241	0.05
240	0.12
220	0.16
221	0.08
223	0.21
कुल योग . .	9.30

(2) अर्जित की जाने वाली उल्लेखित भूमि के सार्वजनिक प्रयोजन का वर्णन जिसके लिये भूमि की आवश्यकता है—पेंच व्यपवर्तन परियोजना के अंतर्गत सिवनी शाखा नहर निर्माण हेतु।

(3) अर्जित की जाने वाली उल्लेखित प्रस्तावित भूमि का नक्शा (प्लान) का निरीक्षण भू-अर्जन अधिकारी एवं अनुविभागीय अधिकारी, तहसील सिवनी, जिला सिवनी के न्यायालय में किया जा सकता है।

(4) अर्जित की जाने वाली उल्लेखित प्रस्तावित भूमि के नक्शे (प्लान) का निरीक्षण कार्यपालन यंत्री, पेंच व्यपवर्तन परियोजना, नहर संभाग सिंगना, तहसील-चौरई, जिला छिंदवाड़ा के कार्यालय में भी किया जा सकता है।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
भरत यादव, कलेक्टर एवं पदेन उपसचिव।

कार्यालय, प्रशासक, भू-अर्जन एवं पुनर्वास,
बाणसागर परियोजना, जिला रीवा, मध्यप्रदेश एवं
पदेन उपसचिव, मध्यप्रदेश शासन, राजस्व विभाग

रीवा, दिनांक 13 अगस्त 2013

पत्र क्र. 1875-प्रका.-भू-अर्जन-2012.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की, अनुसूची के पद (2) में उल्लिखित भूमि की सार्वजनिक प्रयोजन के लिए आवश्यकता है। अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अन्तर्गत, इसके द्वारा यह घोषित किया जाता है कि निजी भूमि/शासकीय भूमि पर स्थित सम्पत्ति के अर्जन हेतु आवश्यकता है:—

अनुसूची

(1) भूमि का वर्णन—

(क) जिला—रीवा
(ख) तहसील—त्योंथर
(ग) ग्राम—खूंथी
(घ) लगभग क्षेत्रफल—0.070 हे।

खसरा नंबर अर्जित रकबा

(हे. में)

(1) (2)

27/2	0.070
योग. .	0.070

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है—बाणसागर परियोजना के अन्तर्गत “त्योंथर उद्वहन सिंचाई योजना के मुख्य नहर निर्माण” में आने वाली निजी/शासकीय भूमि एवं उस पर स्थित सम्पत्ति के अर्जन हेतु।

(3) भूमि का नक्शा (प्लान) का निरीक्षण, प्रशासक, भू-अर्जन एवं पुनर्वास, बाणसागर परियोजना, रीवा के कार्यालय में किया जा सकता है।

रीवा, दिनांक 14 अगस्त 2013

क्र. 1885-प्रका.-भू-अर्जन.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की, अनुसूची के पद (2) में उल्लिखित भूमि की सार्वजनिक प्रयोजन के लिए आवश्यकता है। अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अन्तर्गत, एतद्वारा द्वारा यह घोषित किया जाता है कि निजी भूमि/शासकीय भूमि पर स्थित सम्पत्ति

के अर्जन हेतु आवश्यकता है:—

	(1)	(2)	
अनुसूची	158	0.01	
	683	0.03	
(1) भूमि का वर्णन—	775	0.01	
(क) जिला—सीधी	684	0.02	
(ख) तहसील—सिहावल	785	0.01	
(ग) ग्राम—परसवार	172	0.02	
(घ) लगभग क्षेत्रफल—2.28 हेक्टेयर.	720	0.04	
	724/2	0.03	
सिहावल वितरक नहर क्र. 1 की परसवार मार्झनर के निर्माण हेतु	181	0.01	
खसरा नंबर	अर्जित रकमा		
	(हे. में)		
(1)	(2)		
(अ) निजी भूमि का विवरण :			
4	0.01	764	0.02
5	0.01	259	0.01
6	0.05	681	0.02
9	0.01	778	0.01
10	0.01	781	0.03
73	0.07	264	0.05
116	0.04	773	0.01
141	0.02	777	0.01
571/1	0.03	784	0.02
573/1	0.05	284	0.07
129/3	0.01	638	0.03
159	0.01	639	0.01
173/2	0.01	287	0.03
178/2	0.01	341	0.03
177	0.02	430	0.04
220	0.01	479	0.02
129/2	0.01	478	0.02
173/1	0.01	566	0.02
178/1	0.01	435	0.01
221	0.01	436	0.01
222	0.02	437	0.03
171	0.01	442	0.02
532/1	0.01	474	0.02
138/2	0.02	475	0.01
532/2	0.04	485	0.01
139	0.02	486	0.01
682	0.01	489	0.01
772	0.02	490	0.01
774	0.01	494	0.01
140	0.02	495	0.01

(1)	(2)	(1)	(2)
496	0.01	117	0.04
497	0.02	128	0.01
500	0.01	265	0.01
502	0.01	322	0.01
527	0.02	योग (ब) . .	0.09
331	0.02	महायोग (अ)+(ब)= . .	2.28
332	0.01		
330	0.01		
339	0.01		
328	0.02		
340	0.01		
501	0.02		
525	0.01		
526	0.02		
530	0.03		
531	0.02		
559	0.02		
562	0.02		
568	0.02		
636	0.01		
637	0.01		
640	0.01		
641	0.01		
8	0.03		
691	0.01		
692	0.02		
693	0.01		
694	0.02		
695	0.02		
696	0.01		
679	0.02		
680	0.01		
690	0.01		
780	0.04		
783	0.02		
266	0.01		
723	0.01		
765	0.01		
766	0.02		
786	0.03		
769	0.03		
योग (अ)	2.19		

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है—बाणसागर परियोजना के अन्तर्गत सिहावल वितरक नहर क्र. 1 की परसवार माईनर के निर्माण में आने वाली ग्रामों की निजी भूमि/शासकीय भूमि तथा उस पर स्थित संपत्तियों के अर्जन हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण, प्रशासक, बाणसागर परियोजना, रीवा के कार्यालय में किया जा सकता है।
मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
बी. बी. श्रीवास्तव, प्रशासक एवं पदेन उपसचिव.

कार्यालय, कलेक्टर, जिला भोपाल, मध्यप्रदेश एवं
पदेन उपसचिव, मध्यप्रदेश शासन,
राजस्व विभाग

भोपाल, दिनांक 14 अगस्त 2013

प्र. क्र. 01-भू.अ.-अ-82-12-13-सा-1-सात.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की, अनुसूची के पद (2) में उल्लेखित भूमि की सार्वजनिक प्रयोजन के लिये आवश्यकता है। अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अंतर्गत, इसके द्वारा, यह घोषित किया जाता है कि उक्त भूमि की सार्वजनिक प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन—सप्राट अशोक सागर परियोजना जलाशय के जलस्तर पर 1504 से 1508 फीट के मध्य डूब में आने वाली अतिरिक्त निजी भूमि का भू-अर्जन.

(ब) म. प्र. शासन की भूमि का विवरण

7	0.01
33	0.01

(क) जिला—भोपाल

(ख) तहसील—हुजूर

(ग) नगर/ग्राम—(1) मोमनपुर, (2) कनेरा	(1)	(2)
(घ) लगभग क्षेत्रफल—1.450 हेक्टर.	68/1	0.020
खसरा	रकबा	75
नम्बर	(हे. में)	94/4
(1)	(2)	96
ग्राम—मोमनपुर		98
51/1/2	0.150	99
योग. .	<u>0.150</u>	योग. . <u>6.590</u>
ग्राम—कनेरा		
18	0.500	
14	0.400	
46	0.190	
47	0.210	
योग. .	<u>1.300</u>	
महायोग. .	<u>1.450</u>	

नोट.—भूमि का नक्शा (प्लान) कार्यालय, अनुविभागीय अधिकारी एवं भू-अर्जन अधिकारी, तहसील हुजूर, भोपाल में कार्यालयीन समय में देखा जा सकता है.

प्र. क्र. 02-भू.अ.-अ-82-12-13-सा-सात-1.—चूंकि, राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की, अनुसूची के पद (2) में उल्लेखित भूमि की सार्वजनिक प्रयोजन के लिये आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक एक, सन् 1894) की धारा 6 के अंतर्गत, इसके द्वारा, यह घोषित किया जाता है कि उक्त भूमि की सार्वजनिक प्रयोजन के लिए आवश्यकता है :—

अनुसूची

- (1) भूमि का वर्णन—सम्प्राट अशोक सागर परियोजना जलाशय के जलस्तर पर 1504 से 1508 फीट के मध्य ढूब में आने वाली अतिरिक्त निजी भूमि का भू-अर्जन.
- (क) जिला—भोपाल
- (ख) तहसील—हुजूर
- (ग) नगर/ग्राम—करोदखुर्द
- (घ) लगभग क्षेत्रफल—6.590 हे.

खसरा	रकबा	
नम्बर	(हे. में)	
(1)	(2)	
64	0.020	
94/1	0.110	
63/1	0.200	
61/1	0.050	
61/2	0.300	
62	0.100	
योग. .	<u>3.430</u>	

नोट.—भूमि का नक्शा (प्लान) कार्यालय, अनुविभागीय अधिकारी एवं भू-अर्जन अधिकारी, तहसील हुजूर, भोपाल में कार्यालयीन समय में देखा जा सकता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार, निशांत वरवडे, कलेक्टर एवं पदेन उपसचिव.

राज्य शासन के आदेश

राजस्व विभाग

मंत्रालय, वल्लभ भवन, भोपाल

भोपाल, दिनांक 22 अगस्त 2013

क्र. एफ. 1-7-2012-सात-शा. 6.—मध्यप्रदेश भू-राजस्व संहिता, 1959 (क्रमांक 20 सन् 1959) की धारा 13 की उपधारा (2) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, राज्य सरकार, एतद्वारा, इस आदेश के राजपत्र में, प्रकाशन की तारीख से, अशोकनगर जिले की तहसील ईसागढ़ तथा तहसील शाढ़ोरा की सीमाएं, उनमें से राजस्व वृत्त नई सराय के पटवारी हल्का क्रमांक 1 से 17 एवं पटवारी हल्का क्रमांक 22 से 24 और वर्तमान तहसील ईसागढ़ के राजस्व वृत्त सारसखेड़ी के पटवारी हल्का क्रमांक 68 और 69 तथा वर्तमान तहसील शाढ़ोरा के राजस्व वृत्त शाढ़ोरा के पटवारी हल्का क्रमांक 1 से 5 को अपवर्जित करते हुए परिवर्तित करती है तथा राजस्व वृत्त नई सराय के पटवारी हल्का क्रमांक 1 से 17 एवं पटवारी हल्का क्रमांक 22 से 24 और वर्तमान तहसील ईसागढ़ के राजस्व वृत्त सारसखेड़ी के पटवारी हल्का क्रमांक 68 और 69 तथा वर्तमान तहसील शाढ़ोरा के राजस्व वृत्त शाढ़ोरा के पटवारी हल्का क्रमांक 1 से 5 को समाविष्ट करते हुए, नवीन तहसील नई सराय का सृजन करती है, जिसमें कुल 27 पटवारी हल्के तथा 67 ग्राम होंगे। उक्त तहसील का मुख्यालय नई सराय में होगा।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
आर. के. चतुर्वेदी, प्रमुख सचिव।

भोपाल, दिनांक 22 अगस्त 2013

क्र. एफ. 1-7-2012-सात-शा. 6.—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, इस विभाग की अधिसूचना क्रमांक एफ. 1-7-2012-सात-शा. 6, दिनांक 22 अगस्त 2013 का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
आर. के. चतुर्वेदी, प्रमुख सचिव।

Bhopal, the 22nd August 2013

No. F-1-7-2012-VII-6.—In exercise of the powers conferred by sub-section (2) of Section 13 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government, hereby, alter the limits of Tehsil Isagarh and Tehsil Shadura of District Ashoknagar from the date of publication of this order in the official Gazette by excluding therefrom Patwari Halka No. 1 to 17 and Halka No. 22 to 24 of Revenue Circle Nai Sarai and Patwari Halka No. 68 and 69 of Revenue Circle Saraskhedi of present Tehsil Isagarh and Patwari Halka No. 1 to 5 of Revenue Circle Shadura of present Tehsil Shadura and creates a new Tehsil Nai Sarai by comprising of Patwari Halka No. 1 to 17 and Halka No. 22 to 24 of Revenue Circle Nai Sarai and Patwari Halka No. 68 and 69 of Revenue Circle Saraskhedi of present Tehsil Isagarh and Patwari Halka No. 1 to 5 of Revenue Circle Shadura in which the total Patwari Halkas shall be 27 and Village shall be 67. The headquarter of the said Tehsil shall be at Nai Sarai.

By order and in the name of the Governor of Madhya Pradesh,
R. K. CHATURVEDI, Principal Secy.

भोपाल, दिनांक 22 अगस्त 2013

क्र. एफ. 1-3-2013-सात-शा. 6.—मध्यप्रदेश भू-राजस्व संहिता, 1959 (क्रमांक 20 सन् 1959) की धारा 13 की उपधारा (2) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, राज्य सरकार, एतद्वारा, इस आदेश के राजपत्र में, प्रकाशन की तारीख से, दतिया जिले की तहसील दतिया की सीमाएं, उसमें से राजस्व वृत्त बड़ौनी के 19 पटवारी हल्के तथा राजस्व वृत्त बिल्हारी खुर्द के 17 पटवारी हल्के अपवर्जित करते हुए परिवर्तित करती है तथा राजस्व वृत्त बड़ौनी के 19 पटवारी हल्के और राजस्व वृत्त बिल्हारी खुर्द के 17 पटवारी हल्के समाविष्ट करते हुए एक नई तहसील बड़ौनी का सृजन करती है, जिसमें कुल 36 पटवारी हल्के तथा 78 ग्राम होंगे। उक्त तहसील का मुख्यालय बड़ौनी में होगा।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
आर. के. चतुर्वेदी, प्रमुख सचिव।

भोपाल, दिनांक 22 अगस्त 2013

क्र. एफ. 1-3-2013-सात-शा. 6.—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, इस विभाग की अधिसूचना क्रमांक एफ. 1-3-2013-सात-शा. 6, दिनांक 22 अगस्त 2013 का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एततद्वारा प्रकाशित किया जाता है।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
आर. के. चतुर्वेदी, प्रमुख सचिव।

Bhopal, the 22nd August 2013

No. F-1-3-2013-VII-6.—In exercise of the powers conferred by sub-section (2) of Section 13 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the State Government, hereby, alter the limits of Tehsil Datia of District Datia from the date of publication of this order in the official Gazette by excluding therefrom 19 Patwari Halkas of Revenue Circle Baroni and 17 Patwari Halkas of Revenue Circle Bilhari Khurd and create a new Tehsil Baroni by comprising of 19 Patwari Halkas of Revenue Circle Baroni and 17 Patwari Halkas of Revenue Circle Bilhari Khurd in which the total Patwari Halkas shall be 36 and Village shall be 78. The headquarter of the said Tehsil shall be at Baroni.

By order and in the name of the Governor of Madhya Pradesh,
R. K. CHATURVEDI, Principal Secy.

निर्वाचन आयोग, भारत की अधिसूचनाएं

विधि और विधायी (निर्वाचन) कार्य विभाग

भोपाल, दिनांक 8 अगस्त 2013

फा.क्र. 6-वि.निर्वा.-2009-4-442.—भारत निर्वाचन आयोग की अधिसूचना क्रमांक 82-MP-LA-(06-2009)-2013, दिनांक 29 जुलाई 2013 सर्वसाधारण की जानकारी के लिए प्रकाशित की जाती है।

जयदीप गोविन्द, प्रमुख सचिव।

भारत निर्वाचन आयोग

निर्वाचन सदन, अशोक रोड, नई दिल्ली—110 001

नई दिल्ली, दिनांक 29 जुलाई, 2013—7 श्रावण, 1935 (शक)

आदेश

सं. 82-म.प्र.-वि.स.- (06-2009)-2013.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, भारत निर्वाचन आयोग नवम्बर, 2008 में आयोजित मध्यप्रदेश विधान सभा के लिए 220-रतलाम सिटी विधान सभा निर्वाचन क्षेत्र से श्री पारसमल सकलेचा के निर्वाचन को चुनौती देते हुए, श्री हिम्मत कोठारी द्वारा दायर की गई वर्ष 2009 की याचिका संख्या 06 (श्री हिम्मत कोठारी, याचिकाकर्ता बनाम श्री पारसमल सकलेचा व अन्य, प्रतिवादी) के मामले में मध्यप्रदेश उच्च न्यायालय, इन्दौर का दिनांक 12 अप्रैल, 2013 के निर्णय/आदेश को, एतद्वारा प्रकाशित करता है।

आदेश से,

हस्ता./-

(बर्नार्ड जॉन)

सचिव,

भारत निर्वाचन आयोग।

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110 001

New Delhi, Dated 29th July, 2013— 7-Shrawana, 1935 (SAKA)

NOTIFICATION

No. 82-MP-LA-(06-2009)-2013.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission of India hereby publishes the judgment/order of the High Court of Madhya Pradesh, Indore Bench dated 12th April 2013 in Election Petition No. 06/2009 filed by Shri Himmat Kothari challenging the election of Shri Parasmal Saklecha to the Madhya Pradesh Legislative Assembly from 220-Ratlam City Assembly Constituency,

By Order,

Sd./-

(BERNARD JOHN)

Secretary,

Election Commission of India.

HIGH COURT OF MADHYA PRADESH : BENCH AT INDORESINGLE BENCH : HON'BLE MR. JUSTICE M.C. GARG, JUDGE,
ELECTION TRIBUNALELECTION PETITION NO. 06 / 2009

Himmat Kothari,
 Son of Shri Nemichandji Kothari,
 Aged 62 years,
 Occupation: Political & Social Worker,
 Resident of 62, Palace Road,
 Ratlam (M.P.)

....Petitioner

-Versus-

1. Shri Parasmal Sakalecha,
 Son of Shri Shantilalji,
 Aged 54 years,
 Occupation: Business,
 Ratlam (M.P.)
2. Returning Officer,
 220, Ratlam City-General,
 Assembly Constituency,
 Collector's Office,
 Ratlam (M.P.)

....Respondents

Shri V. K. Jain, Advocate with Shri Subhodh Abhyankar ,
 Advocate for the petitioner.

Shri C.L. Yadav, Sr. Advocate alongwith Shri O.P. Solanki,
 Advocate for the respondent no.1.

Shri Manish Joshi, P. L. for the respondent no.2.

JUDGMENT

(12/4/2013)

By this election petition, petitioner Shri Himmat Kothari the unsuccessful contestant for Madhya Pradesh State Legislative Assembly from 220- Ratlam City-General Assembly

Constituency held in 2008 has assailed the election of Shri Parasmal Saklecha, who was elected in the said election (respondent no.1 in this election petition) under Section 81 read with Section 123 (1)(iv) of the Representation of People Act, 1951 (hereinafter referred to as 'the Act') alleging, that in this election Shri Parasmal Saklecha resorted to corrupt practices.

2. General Elections to the Madhya Pradesh State Legislative Assembly were held in the months of November-December, 2008 as per the following programme:

Notification of the Election	31.10.2008
Last Date For Filing Nominations	07.11.2008
Scrutiny of Nominations	08.11.2008
Last Date For Withdrawal	10.11.2008
Finalization of the List of candidates	10.11.2008
Date of Polling	27.11.2008
Counting of Votes	08.12.2008
Declaration of Result	08.12.2008

The petitioner and the respondent no.1 were two candidates in the aforesaid election. Respondent no.2 was the Returning Officer of the Constituency. The elections were conducted as per the programme given above and on 08th December, 2008, the respondent no.1 was declared elected from the constituency with a margin of 31054 votes.

4. It is the case of the petitioner that Shri Parasmal Saklecha, the returned candidate committed corrupt practice during the election by making and publishing false statements in several public meetings including the three held at Mochipura, Hat Ki Chowk and Bajna Bus Stand, where Shri Parasmal Saklecha

4. The petitioner made false statements in his speeches in relation to the personal character and conduct of the petitioner who was a candidate in the said election, which the first respondent knew and believed to be false and did not believe to be true thereby affecting the prospectus of the petitioner adversely in that election.

5. To fortify his pleadings the petitioner has specifically relied upon the speeches made by the first respondent in the public meetings organized at 1) Mochipura Locality, 2) Hat Ki Chowki and 3) Bajna Bus Stand. It has been alleged that though such statements were made even in other localities but with respect to the aforesaid meetings, records were prepared by the Election Commission and certified copies of the CDs were supplied by the Election Commission to the petitioner. Certified copies of the CDs have been annexed with the election petition.

6. It has been alleged that in these three meetings the public gathered in thousands, where the first respondent made blatant allegations of corruption by making false allegations against the petitioner's character, painting him in dark colours and exhorting the voters not to vote for him on the basis of those allegations.

7. The relevant averments made by the petitioner are in paragraphs 4, 5, 6 and 7 of the election petition. Those averments for the sake of reference are reproduced hereunder:-

“4. The petitioner submits that the respondent no.1 addressed a public meeting at Mochipura locality in the Ratlam City within the constituency on 06th November, 2008 between 07:00 pm to 10:00 pm wherein addressing a large number of voters from the constituency he made false allegations against the petitioners character painting him in dark

colours and exhorting the voters not to vote for him on the basis of the allegations. Excerpt of the relevant part of the Speech in the Video-CD form is annexed hereto and marked Annexure P-1. Some of the objectionable statements in this speech were as under: -

“ इस आदमी ने मध्यप्रदेश में अपने को बदनाम किया इस आदमी ने राजनीति ग्रष्टाचार के नाम पर अपने नाम को रोशन किया और रतलाम को कलंकित किया उस आप से गुवित गिल जावेगीकोई भी टी.वी. देखा होगा जितना यहां ग्रष्टाचार पन्दह करोड़ का ग्रष्टाचार बन्दूक खरीदने के नाम पर जब बन मंत्री थे तीन हजार बंदुके इन्होंने इरटन्फ़ कोर्ट कापनी यू एस ए अग्रीका से खरीदी वो बन्दूकों की गौजू किमत दो करोड़ रुपया है और इन्होंने यह बन्दूक चोलह करोड़ गे खरीदी आज के टी. बी. में यह मैं नहीं बोलता.....ग्रष्टाचार की हद करदी चन्दा खोरी की हद करदी रीगा तोड़ दी ग्रष्टाचार की रारी की रारी कितना ग्रष्टाचार गिराना ग्रष्टाचार यह कोई रीगा छोटी है कितने दिये मैं बताता हूँ पतरे के नाम पर क्या होता है झोपडपट्टी में कागज पर दिखाया कि मेरे पर पन्दह लाख का करजा बाप रे बाप गैं तो सुन कर ही दंग रह गया.....हम नहीं देख सकते कि गेरी नम्र 2 मंत्री करजे में जिये रात को नींद कैसे आवेगी करजे में गैने कहा कि गैरा इकदहा किया जावे तो गैं सिल्ला लेकर निकल गया ।”

5. The petitioner further submits that the respondent no.1 also addressed a public meeting at Hat Ki Chowki, Subhash Nagar locality in the Ratlam City within the constituency on 09 November, 2008 between 07:00 pm and 10:00 pm, wherein addressing a large number of voters from the constituency, the respondent no.1 made statements containing false allegations against the character of the petitioner and exhorted the voters not to vote for the petitioner because of his lack of character on the basis of allegations made by him. A copy of the relevant excerpts from the speech in video-CD form is annexed hereto and marked Annexure P-2. Some of the false allegations were as

under:

"यह हालत हो गई रतलाम की यह हमारा नम्बर दो वेलेनटाईन डे गनाते हैं दो दिन निकलेंगे कभी लखडू लेकर कभी विरते लेकर कभी पतने लेकर और अब निकलेंगे नोट लेकर राजा चार छजार पन्द्रह लिटर की प्लारटिक की कोठी रतलाम में आ चुकी है पांच छजार टी.वी. सेट के आईर हो चुके हैं वीरा छजार टी शट प्रिन्ट होने जा रहे हैं तीन छजार छेला गाड़ी तैयार हो चुकी है और छजारों की संख्या में लिफाफे तैयार हो चुके.....यह कोठी के रूप में या टी वी सेट के रूप में या छेलागाड़ी के रूप में या लिफाफे के रूप में, या टी शट के रूप में हमारे आदरणीय दो जी सड़क पर निकलेंगे फूल की जगह उसको देकर बोलेंगे कि मेरी प्यारी जनता यह ले कोठी मैं तेरे से प्यार करता हूँ यह ले लिफाफा भेया मैं तेरे से प्यार करता हूँ यह ले टी वी मैं तेरे से प्यार करता हूँजो हमारे बोट को खरीदनेवाले नोट.....ये कोई छोटी सोटी बात है.....आज मुझे पता लगा गेने उसके पुफ इकट्ठा किये हैं ये ईगानदारी की बात करते हैं जेनके यन में खोट है वे लोग इसान खरीदते हैंहोटल बन रही है बैंगलोर में चालु हो गई भैया भेरा तो आदमी रह कर आ गया वहां पर अभी बास्ते में बोरीवली से भायन्दर के बीच तीन सौ करोड़ की जमीन का सौदा हुआ है यह ईमान की बात करने वाले लोग मेरे पास इनके ग्रष्टाचार के रौकड़ों उदाहरण हैं । एक से एक बड़कर आपको छर सांगा मैं प्रस्तुत करूँगा कि कैसी बातें करते हैं इस प्रदेश का सबसे बड़मंत्री इस प्रदेश का सबसे लापत्तिहास मंत्री और इस सरकार का सबसे प्रस्त गवर्नर है हमारा नम्बर दो और हराका नम्बर भी 2 है और काम भी नम्बर दो के हैं पोजिशन भी नम्बर दो की ओर काम भी नम्बर दो के घंटे भी नम्बर दो के हैं ।"

6. The petitioner further submits that the respondent no.1 also addressed a public meeting at Bajna Bus Stand locality in the Ratlam City within the constituency on 16 November, 2008 between 07:00 pm and 10:00 pm, wherein addressing a large gathering of voters from the constituency, the respondent no.1 made statements containing false allegations against the character of the

petitioner exhorting the voters of the constituency not to vote in favour of the petitioner on the basis of the allegations. Excerpts of the relevant part of the speech in video-CD form is annexed hereto and marked Annexure P-3. Some of the objectionable statements were as under:-

“मैंल आपने नेशनल धैनल एन. डी टी वी देखा होगा एन डी टी वी के अन्दर बताया गया कि इस प्रदेश से तेरह सबसे ग्रष्ट मंत्रीयों के खिलाफ लोकाआयुक्ता में पार्षीर प्रकरण चल रहे हैं जिनमें निश्चित छी बहु जापराजी रिक्त हो गे और एन डी टी वी उन 13 सबसे ग्रष्ट मंत्रीयों में सबसे पहले किसका नाम से रहा था नाम्बर ८ दो गया किया जाएगा यो ने अरे आप देखो पहले मैंने कहा था चालीस रुपये की बन्दुक 460 रुपये में खरीद कर पैतालीस करोड़ का ग्रष्टाचार किया डंडा डंडा दो करोड़ की बन्दुख सोलह करोड़ में खरीद कर 14 करोड़ का ग्रष्टाचार किया यह तो छोटी सोटी बात अब आप जाएग दो का पदी प्रेम देखिये इंदौर वन मंडल के तहत 1217 गोर जीवित है कितने गोर 1217 दो हजार छठ की गारी में 1217 गोर को सरकार ने दाना और पानी पिलाने के लिए जिला सरकार इंदौर में जिसके प्रभारी हुगारे नाम्बर दो है एक प्रस्ताव पास किया कि गोरों की जान को खतरा है राष्ट्रीय पक्षी है इनको बचाने के लिए दाना और पानी दिया जावे अब 1217 मोर तीन गहीने के अन्दर 17 करोड़ का दाना और आठ करोड़ का पानी पिला, दिया 1217 गोर तीन गहीने में 17 करोड़ का दाना और आठ करोड़ का पानी पी गये यह है लोकतन्त्र में हुगारे नाम्बर दो की महत्वपूर्ण भूमिका वह रे बाह हिन्दुस्तान.....”

Averments made in paragraph-7 are also reproduced as under:-

7. The Returning Officer, Ratlam and the District Election Officer, Ratlam got the public meetings of the candidates at the election video-recorded under the directions of the Election Commission. The petitioner, therefore, applied to the District Election

Officer, Ratlam for certified copies of the video-recordings of the aforesaid meetings wherein the false statements against the character of the petitioner were made. The Returning Officer supplied 9 such CDs in which the speeches of the respondent no.1 at the election were recorded. These video-CDs bear out the contention of the petitioner that allegations were made against the character of the petitioner by the respondent no.1. A copy of the forwarding letter with which the video-CDs were supplied by the Returning Officer is annexed hereto and marked Annexure P-4. Copies of the 9 CDs received by the petitioner from the Returning Officer relate to all the public meetings addressed by the respondent no.1 and therefore, copies of only two CDs out of these 9 CDs, which contain the speeches of the respondent no.1 given in the aforesaid three public meetings relevant for this petition are annexed hereto and marked Annexure P-5 and P-6. Excerpts from these speeches have already been annexed to the petition as Annexure P-1, P-2 and P-3. The petitioner relies on the entire speeches of respondent no.1 contained in Annexure P-5 and P-6 and the excerpts given in this petition are only illustrative.”

8. It has been pleaded by the petitioner that the election of the first respondent from Madhya Pradesh State Legislative Assembly from 220- Ratlam City - General Constituency in the light of the aforesaid averments deserves to be declared void under Section 100 (1)(b) as also under Section 123 (4) of the Act inasmuch as, the publication of the statement of the facts as stated above, which are false and which are believed by the first respondent to be false and which he does not believe to be true in relation to the personal character and conduct of the petitioner, who was a candidate at the election and made such statements reasonably calculated to prejudice the prospects of the petitioner at the election.

9 In so far the second respondent is concerned, he has filed reply to the election petition, which supports the case of the petitioner. The relevant averments made in that reply is reproduced hereunder: -

“2. That a perusal of the petition would go to show that nothing adverse has been stated, so far as against the respondent no.2 is concerned. It has only been averred that the Returning Officer, Ratlam and Distt. Election Office, Ratlam got done the Video recording of the public meeting of the candidates upon the instructions of Election Commission. It is respectfully submitted that as per the instruction of the Election Commission vide its letter no.447/2007-PLN-IV dated 17.1.07, the respondent no.2 got done the Video recording of the meeting held by all the contesting candidates in the Election, and during the said process the video recording of the meeting of the petitioner was also got done.

3. That, the Dy. Election Officer on an application made by the petitioner had supplied copies of C.D.s which were recorded during the course of election campaign, as is clear from the Annexure P/4 filed by the petitioner himself.”

10 It may be observed here that no rejoinder to the aforesaid reply has been filed by the first respondent despite having inspected the record after the filing of this reply and before filing of his reply, thus, the factum of the Election Officer having supplied the CDs of the election meetings organized for the campaign of the first respondent, which have been relied upon by the petitioner is not in dispute.

11 In so far as the first respondent is concerned in his reply to paragraph 4, 5, 6 and 7, he has replied as under:-

“4. That, the statements contained in para 4

are not correct and denied by the answering respondent. It is not correct to say that the answering respondent has addressed a public Meeting at Mochipura Locality in Ratlam City with in the constituency on 06.11.2008 between 7 P.M. to 10 P.M. wherein addressing a large numbers of voters from the constituency, he made false allegation against the petitioner's character painting him in dark colours, and exhorting the voters not to vote for petitioner on the basis of the allegation. It is not correct to say that the petitioner has made a speech stated in Para 4 of the petition.

It is not correct to say that speech recorded in annexure P/1 is a correct statement of facts and annexure P/1 is a not reliable and admissible document.

5. That, the statements contained in Para 5 are not correct and denied by the answering respondent. It is not correct to say that the answering respondent has addressed a public meeting at Hat Ki Chowki, Subhash Nagar Locality in the Ratlam City with in the constituency on 09/11/08 between the 7 P.M. to 10 P.M. wherein addressing a large no. of voters from the constituency, he made false allegation against the petitioner's character painting him dark colors and exhorting the voters not to vote for petitioner on the basis of the allegation. It is not correct to say that the petitioner has made a speech stated in Para 4 of the petition.

It is not correct to say that speech recorded in annexure P/2 is a correct statement of facts and annexure P/2 is a not reliable and admissible document.

6. That, the statements contained in Para 6 are not correct and denied by the answering respondent. It is not correct to say that the answering respondent has addressed a

public meeting at Bajna Bus Stand Locality in the Ratlam City with in the constituency on 16/11/08 between the 7 P.M. to 10 P.M. wherein addressing a large no. of voters from the constituency, he made false allegation against the petitioners character painting him in dark colors and exhorting the voters not to vote for petitioner on the basis of the allegation. It is not correct to say that the petitioner has made a speech stated in Para 4 of the petition.

It is not correct to say that speech recorded him annexure P/3 is a correct statement of facts and annexure P/3 is a reliable and admissible document.

7. That, the statement made in Para 7 are not correct and denied by the answering respondent. It is not correct to say that the Distt - Election officer of Ratlam was authorized by the election commission to record the statement either of the answering respondent or any other candidate during the election. The Distt- Election Officer was not authorized by the election commission to record statements of the candidates during the election. It is not correct to say that the Distt- Election Officer has supplied any CD of any statement of the answering respondent made in any Public Meeting during the election, to the petitioner. That, the CDs annexure P/5 and P/6 are not true and reliable Peace of evidence. The CD Annexure P/5 and P/6 are manipulated documents.

However no details have been given.

12. On the pleadings of the parties following issues were framed:-

1. Whether respondent no.1 during election made false statement in public meeting and false publication against the petitioner in relation to his character and conduct?

2. Whether such statement were made to prejudice the prospects of the petitioner?
3. Whether respondent no.1 made such speeches at Mochipura on 06.11.2008 and at Hat Ki Chowki on 09.11.2008 and at Bajna Bus Stand on 16.11.2008?
4. Whether such statement amount to corrupt practice?
5. Whether the election of respondent no.1 deserves to be set aside?

13 I have heard the learned counsel for the parties. I also perused the written submission as well as the records. My findings on various issues are as under :

Issue nos. 1 & 3 :

14 To prove his allegations the petitioner appeared as PW-1 and also relied upon various documents. He also examined Hari Shanker Kumavat (PW-2), Harish Purohit (PW-3), Virendra Katare (PW-4), Ashish Sharma (PW-5) and Smt. Rani Batad (PW-6). The documents relied upon by the petitioner are:-

Exhibit P-1 - Letter issued by the District Election Officer issuing certified copies of the VCDs. (covering letter).

Exhibit P-2 - Certified VCDs of public meetings held at Mochipura (06.11.2008) and Hat ki Chowki (Shahar Saray) (09.11.2008).

Exhibit P-3 - Certified VCDs of public meetings held at Bajna Bus Stand (16.01.2008).

Exhibit P-4 - P-5 and P-6 copies of the speeches of only Paras Saklecha made at aforesaid three places. (Mochipura, Hatki Chowki and Bajna Bus Stand respectively).

Exhibit P-7 - Transcription of Paras Saklecha's speech made at Mochipura.

Exhibit P-8 - Transcription of Paras Saklecha's speech made at Hatki Chowki (Shahar Saray)

Exhibit P-9 - Transcription of Paras Saklecha's speech made at Bajna Bus Stand.

Exhibit P-10 - Application made by Paras Saklecha for Mochipura's public meeting.

Exhibit P-11 - Permission of the meeting at Mochipura.

Exhibit P-13 - Application made by Paras Saklecha for Hatki Chowki's public meeting.

Exhibit P-14 - Application made by Paras Saklecha for Bajna Bus Stand's public meeting.

Exhibit P-15 - Permission of the meeting at Hatki Chowki.

Exhibit P-16 - Permission of the meeting at Bajna Bus Stand.

Exhibit P-17 - Statement of election expenses made by the respondent no.1 Paras Saklecha to the District Election Officer wherein at page no.51 the respondent has given the details of the public meetings at the aforesaid three places at the relevant date.

Article A & B - Original cassettes of the videography got conducted by the District Election Officer including speeches at the aforesaid three places."

15 Now, coming to the deposition of petitioner, the petitioner in his deposition has made following averments: -

“3— मेरे विधान सभा द्वारा घमांफ-220 में मेरे अलापा कोई गी प्रत्याशी मंत्री नहीं था न रहा था ।

4— श्री पारस सकलेचा ने चुनाव प्रचार किया में विभिन्न क्षेत्रों में आम सभाओं को संबोधित किया । उनकी सभाओं की जानकारी गुज्रे जो ऐलान किया जाता था, के द्वारा हुई । गुज्रे मेरे पार्टी के कार्यकारियों ने एवं लोगों ने यह बताया था कि श्री पारस सकलेचा अपनी सभाओं में आपके उपर करोड़ों रु० के ग्रष्टाचार के आरोप लगा रहे हैं ।

5— मुझे यह जानकारी मिली थी की पारस सकलेचा ने मुझ पर यह आरोप लगाया था कि मैं राजकार का सबसे ग्रष्ट मंत्री हूं एवं जब मैं बन मंत्री था तब 3000 बंदूखें खरीदने के लिये मैंने मारी ग्रष्टाचार किया । उन्होंने आम राज में यह कहा कि 3000 हजार बंदूखों की कीमत 2 करोड़ रु० है, परन्तु मैंने उसे 16 करोड़ रु० में खरीदकर 14 करोड़ रु० का ग्रष्टाचार किया । मैं जब बन मंत्री था तो गेरे कार्यकाल में शारान ने 1500 बंदूखें खरीदी थी ।

6— बंदूख खरीदने की प्रक्रिया में विभागीय अधिकारियों की एक समिति होती है रेटेट ट्रेडिंग कार्पोरेशन जो भारत राजकार का उप काम है इस हेतु टेंडर बुलाये गये थे और इसके बाद में जो न्यूनतम टेंडर आया था उसे विभागीय समिति ने रक्कीकृत की थी । इस टेंडर में लग गए 16-17 हजार की कीमत आयी थी । गेरे कार्यकाल में शारान ने 16 गरोड़ की बंदूखें नहीं खरीदी और 3000 हजार बंदूखों गी नहीं खरीदी । इस संबंध में श्री पारस सकलेचा ने गुज्रे पर गलत आरोप लगाया जिस पर उद्देश्य मतदाताओं को ग्रसित करना और चुनाव की संभावनाओं को प्रभावित करना था ।

7— दिनांक 9.11.2008 को श्री पारस सकलेचा ने हाट की चौकी सुभाष नगर में आम सभा की उसमें उन्होंने मेरे विरुद्ध कहा कि मैंने चार हजार पांच सौ लीटर की क्षमता की प्लास्टिक की टंकियां मगा ली हैं और पांच हजार टी० बी० सेट के क्षय करने के आदेश दिये हैं, एवं तीन हजार रेला गाड़ियां बना कर आ गई हैं एवं 20000/- हजार रौट प्रिंट होने गई हैं और हजारों रु० के लिफाफे भर कर तेयार कर लिये गये हैं ।

इनको लेकर हिमात कोठारी आपके पास आयेंगे किसी को टंकी देकर वे जनता से कहेंगे कि आप के लिये गुलाब का फूल लाया हूँ । इसे लेकर गुझे बोट देना । वह किसी को टी०वी० देकर कहेंगे कि ये टी०वी० लों में तुमसे प्यार करता हूँ तुम मुझे बोट देना वे किसी को ठेला गाड़ी देकर भी यही बात कहेंगे और रु० गरे लिफाफे बांटकर भी यह कहेंगे कि तुम मुझे बोट दों उसी आम सम्बन्ध में पारसा सकलेचा नैं यह कहा कि जब यह गृह मंत्री थे तब इन्होंने ८ लाख डंडे जिराकी कीगत बजार में प्रति नग ४०/- है, को ४६० रु० प्रति नग में खरीदकर ३२ करोड़ रु० का गट्टाचार किया है । उन्होंने यह भी कहा है कि ये १२० रु० प्रतिनग कहाँ बाटा किनके द्वारा प्रयोजित कोई व्यक्ति नीचे से बोलता है कि रोट की होटल बन रही है तब पारसा सकलेचा नैं यह कहा कि होटल बन नहीं रही है । वह कर तैयार हो गई है जो बैंगलोर में मेरा आदमी उसांगे ठहरा कर आया है । उन्होंने गुझ पर यह भी आरोल लगाया कि बांधे में बोरी बाली एवं मयानंदर के बीच ३०० करोड़ की जगीन का सांगदा हिमात कोठारी ने किया है इस पर ये कालीनी काटेंगे । इन्होंने इसी आम सम्बन्ध में यह बात कही थी कि यह नम्बर दो के पोजीसन के मंत्री हैं, इनके काम भी नम्बर दो के हैं जबकि वे नैं कोई भी सामग्री नहीं खरीदी न रु० से भरे लिफाफे बोटर को बोटे मैंनैं इस हेतु टी०वी० सैट का आईर नहीं दिया एवं २० हजार सैट प्रिंट नहीं कराई और न तीन हजार ठेला गाड़िया तैयार कराई । मेरे चुनाव प्रचार में किसी भी मतदाताओं को रु० ठैला, गाड़ी प्लाराटिक की टंकी एवं नगद रु० किसी भी मतदाताओं को नहीं बाटे मेरे कार्यकर्ताओं ने भी इसी कोई सामग्री मतदाताओं को नहीं बाटी ।

४— मैं जब गृह मंत्री था जब पुलिस विभाग के लिये २९०० डंडे केन खरीदे गये थे । इस खरीदी के लिये गृह मंत्री की कोई भूमिका नहीं होती न भुगतान में उसका कोई योगदान होता है ऐसी खरीदियां अधिकारियों के द्वारा या बड़ी खरीदी होने पर अधिकारियों की समिति द्वारा खरीदी जाती है । मेरी जानकारी के अनुसार एक डंडा ३९ रु० ४७ पैसे की दर से खरीदा गया था । पारसा सकलेचा जी ने इस संबंध में गिर्था व असत्य बात कही । वस्तुतः पुलिस विभाग के लिये न तो ८ लाख डंडे खरीदे गये और न ४६० की दर से खरीदे गये । बैंगलोर में मेरा या मेरे परिवार का न होटल है, न कोई

व्यवसाय न तो कोई होटल है न कोई जमीन है । यह कहना गलत है व मिथ्या है कि मेरे या मेरे परिवार ने बास्ते में बोरीवाली से भयंदर के बीच तीन सौ करोड़ का सौदा किया है । मेरा या मेरे परिवार की कभी ऐसी कोई प्लानिंग नहीं रही की बम्बई में हमारे द्वारा कोई भी कालोनी विकसित की जावे । श्री पारस सकलेचा ने आम समाजों में मेरे उपर गलत व मिथ्या आरोप लगाये जिसका उद्देश्य भतादाताओं को भ्रमित करना एवं मेरी छवि को मामिल करना एवं मेरी जीव की संगावनाओं पर प्रतकूल प्रभाव डालना था । इन्होंने मेरे व्यक्तिशील एवं आचरण के संबंध में जो मिथ्या और झूठे आरोप लगाये वे चर्चा का विषय बन गये और हजारों की संस्था में लोग सकलेचा जी की समा में जाने लगे और चौराहे पर और घरों में भेरी चर्चा होने लगी जिसके कारण मेरी छवि एक ग्रष्ट व्यक्ति की बनने लगी जिसके कारण मेरे चुनाव की संभावनाओं पर प्रतिकूल प्रभाव पड़ा ।

9— दिनांक 16.11.2008 को श्री पारस सकलेचा जी ने दाजना बरा स्टेंड रत्नाम पर आम समी की चराएं उन्होंने पूर्व की आम समाजों में लगाये गये मिथ्या आरोपों को दोषराया और एक नया आरोप यह लगाया कि मैं जब इंदौर जिले का प्रभारी था तो मैंने जिले में 1217 मोरों की रक्षा के लिये जिला योजना समिति में उनको दाना पानी देने का प्रस्ताव रखा । तथा तीन अहिने में मैंने 17 करोड़ का दाना एवं 8 करोड़ का पानी पी गये, जिसमें हमारे बन मंत्री की महत्वपूर्ण भूमिका रही ।

10— जब मैं इंदौर का प्रभारी मंत्री थ तब दिनांक 24.3.2007 को जिला योजना समिति की बैठक हुई थी उराएं सांसद प्रतिनिधि श्री तारिक खान ने यह बात उठाई थी की चार लाख रु० का दाना और दो सौ टैंकर पानी का व्यय बताया गया है उसके बावजूद भी मोर भर रहे हैं इसमें भारी भ्रष्टाचार हुआ है जब मैंने चीफ कंजरवेटर आफ फारेस्ट को आदो दिये थे कि इसकी जांच की जाये । उन्होंने जिस हेतु दो राजपत्रित अधिकारियों को जांच के लिये नियुक्त किया था । उन्होंने जांच करके बताया कि प्रथम दृष्टया एक रेंजर, एक उप बनमंडल अधिकारी एवं एक बन लेखापाल इसके लिये दोषी प्रतीत होते हैं । इस पर मैंने विस्तृत जांच कर कार्यवाही करने के आदेश दिये थे । मोरों के लिये उपरोक्त दाना पानी की व्यवस्था में भेरी

कोई गृहिक नहीं थी लिन यह विगाग के अधिकारियों द्वारा व्यवस्था की गई थी । गोरों के दाना पानी के लिये 17 करोड़ और 8 करोड़ के बजट का पानी का प्रावधान नहीं रखा पूरे प्रदेश में इस हेतु इतना बड़े बजट का प्रावधान नहीं है । 17 करोड़ का दाना और 8 करोड़ का पानी गे भेरे ग्रष्टावार की बात गलत थी, जो गतादाताओं को ग्रभित करने के लिये की गई थी पारसा राकलेचा ने जानबूझकर भेरे खिलाफ यह असत्य आरोप भत्तादाताओं तो भेरे विलक्षण प्रभावित करने के लिये लगाये थे । श्री करालेचा ने इन आरोपों के संबंध में किरी विगाग से कोई जानकारी प्राप्त नहीं की । मेरी जानकारी के अनुसार आक्षेपित समयावधि में बन विभाग ने गोरों के दाने पर 1 लाख 81 हजार एवं पानी पर 1 लाख 60 रुपये किये थे ।

11- मेरे विलक्षण लोकायुगत में या और किसी जांध ऐजेन्सी के पास कोई भी प्रकरण पंजीयन नहीं हुआ । न ही आज तक लोकायुक्त ने या अन्य किसी ऐजेन्सी ने मेरे से पूछतांद की न किसी भी संबंध में कोई नोटिस दिया न मेरा कोई व्याप लिया ।

12- गैरे इस संबंध में की पारसा राकलेचा ने मेरे उपर जो आरोप लगाये हैं उनकी पुष्टि करने के लिये कलेक्टर एवं जिला निर्वाचन अधिकारी का विधिवत आवेदन दिया निर्धारित शुल्क दिया एवं श्री पारसा राकलेचा की आग सगाओं की 9 सौ ० डी० की प्रमाणित प्रतिलिपियां प्राप्त की । जिला निर्वाचन अधिकारी के द्वारा चुनाव के दौरान सभी उम्मीदवारों की आग सभाओं की वीडियो रिकार्डिंग की जाती है, यह मेरी जानकारी में था । मुझे जिला निर्वाचन अधिकारी ने कुल 9 सौ ० डी० प्रदान की थी इस संबंध में दिनांक 7.1.2009 को प्रदर्श पी-१ का पत्र दिया था तथा इसके साथ सी०डी० की प्रमाणित प्रति प्रदान की थी । मैंने इस संबंध में मोबाइल पुरा और सुगंध नगर एवं शहर सराय व बाजना बस स्टेड की आग सभाओं की दो वीडियो सी०डी० की प्रमाणित प्रतियां जो मुझे जिला निर्वाचन अधिकारी कार्यालय से प्राप्त हुई थीं प्रस्तुत की हैं ।

नोट- इस स्टेज पर श्री सी एल यादव रीनियर एडवोकेट ने आपत्ति की यह सी०डी० हस्त राक्षी के कथन से प्रदर्श नहीं हो

सके गी क्योंकि इस साक्षी ने इस सी०डी० को रैयार नहीं किया है तथा इस सी०डी० की जो प्रति प्रदान की गई है वह निर्वाचन कार्यालय के संबंधित अधिकारी द्वारा प्रमाणित नहीं है। याचिकाकर्ता के अभिन्न श्री वी० के जैन ने इस संबंध में तर्क किया कि यह वीडियो सी०डी० एक पब्लिक डॉक्यूमेंट की प्रमाणित प्रति है जो उन्हें निर्वाचन कार्यालय से प्राप्त हुई है अतः याचिकाकर्ता के कथनों से इस पर प्रदर्श अंकित किया जा सकता है। उन्होंने इसकी सत्यापित प्रति याचिकाकर्ता से कराकर रिस्पोडेंट को प्रदान की है अतः अपत्ति आधारहीन है। तर्क पर विवार किया गया उक्त सी०डी० जिला निर्वाचन कार्यालय में रखे गये रिकार्ड की प्रगाणित प्रति है जो याचिकाकर्ता द्वारा प्रस्तुत की गई अतः इस पर एविजित अंकित किया जा सकता है तथा इसका सत्यापित प्रति भी रिस्पोडेंट को प्रदान की गई है। अतः रिसपोंडेंट की आपत्ति अगान्य की जाती है तदुन्मार सी०डी० पर प्रदर्श पी-२ व प्रदर्श पी-३ अंकित किया गया।

13- मैं श्री पारस साक्लेचा जी को राकल से पहचानता हूँ और उनकी आवाज को भी पहचानता हूँ। मुझे प्रदर्श पी-२ व-३ की सी०डी० जिला निर्वाचन कार्यालय से जिस रूप में प्राप्त हुई थी उन्हें उसी रूप में प्रस्तुत किया है कोई परिवर्तन नहीं किया है। उक्त दोनों सी०डी० देखने पर पारस साक्लेचा द्वारा गेरे विलद जो उपरोक्त मिथ्या आरोप लगाये गये थे उनकी पुष्टि हुई। उपरोक्त सी०डी० देखने के बाद उनमें जो आपत्तिजनक अंश थे उनकी अलग से सी०डी० बनाकर प्रस्तुत की है जो प्रदर्श पी-४ व प्रदर्श पी-५ व प्रदर्श पी-६ है। प्रदर्श पी-४ की सी०डी०ल. मोची पुरा प्रदर्श पी-५ की हाट की चौकी चुगाख नगर व प्रदर्श पी-६ की बाजना बरा रटेड की सागाऊं की सी०डी० है।

16 The petitioner further deposed that he knew Shri Parasmal Saklecha by face and also could have identified his voice. Regarding Ex. P-2 and P-3 he has stated, that those cassettes are the certified copies of the cassettes supplied to him by the Election Officer and that he did not make any changes therein. He also stated that on perusal of these cassettes it was clear, that Shri

Parasmal Saklecha has levelled false allegations against the petitioner. Those cassettes verifies that Shri Parasmal Saklecha made false allegations against the petitioner in these meetings. The three cassettes which contained the extract of the speeches made by Shri Parasmal Saklecha at the three places are Ex. P-4, P-5 and P-6. Ex. P-4 pertains to Mochipura, Ex. P-5 pertains to Hat Ki Chowki and Ex. P-6 pertains to Bajna Bus Stand. He also deposed that:

“14. दिन 6.11.08 को श्री सखलेचा ने मोर्चीपुरा में जो गांधण दिया उसको मैंने ढीरीड़ी पर देखा व सुना था तथा उसे लिपिबद्ध कराया । जिसे मैंने प्रस्तुत किया है जो प्रदर्श पी-7 है, जो पेज नं० 8 से 12 तक है । इसी प्रकार दिन 9.11.08 को श्री सखलेचा ने हाट की ढीरीड़ी सुगांधनगर की तर्फ में जो गांधण दिया उसको मैंने ढीरीड़ी पर देखा व सुना था तथा उसे लिपिबद्ध कराया । जिसे मैंने प्रस्तुत किया है जो प्रदर्श पी-8 है, जो पेज नं० 13 से 16 तक है । दिनांक 16.11.08 को श्री सखलेचा ने बाजना बस स्टेण्ड में जो गांधण किदम्भ उसको मैंने ढीरीड़ी पर देखा व सुना था तथा उसे लिपिबद्ध कराया । जिसे मैंने प्रस्तुत किया है जो प्रदर्श पी-9 है, जो पेज नं० 17 से 20 तक है । प्रदर्श पी-2 की वीसीडी में मोर्चीपुरा व हाट की चौकी सुगांधनगर की श्री सखलेचा के गांधण की रिकार्डिंग है जो इस वीसीडी की फाइल नं० 1 में है । प्रदर्श पी-3 की वीसीडी में बाजना बसरटेण्ड में श्री सखलेचा के गांधण की रिकार्डिंग है जो इस वीसीडी की फाइल नं० 1 में है ।

15. मोर्चीपुरा, हाट की चौकी सुगांधनगर, एवं बाजना बसस्टेण्ड की तरफ रत्नागं विधानसभा क्षेत्र में आता है जहां से गोने और प्रत्यक्षी ने चुनाव लड़ा था । ये सभी समायें साथें 7 से 10 के बीच उपरोक्त तारीखों में हुई थीं । दिन 6.11.08 को मोर्चीपुरा की आमसागा में बदूख खरीदी में धृष्टायार क असत्य आरोप श्री सखलेचा ने मुझे पर लगाये थे । बदूख खरीदी में जो टेप्टर आया था उसमें प्रतिलिपि बदूख की कीमत 16-17 हजार रु० के लगभग आयी थी ।

16. ये श्री ढी प्रदर्श पी-2 प्रदर्श पी-3 में जो व्यक्ति गांधण दे दहा है, उसे मैं व्यक्तिगत रूप से पहचानता हूं औ उसकी आवाज भी पहचानता है । उठ श्री पारस सखलेचा है जो निर्दलीय उम्मीदवार के रूप में चुनाव लड़े थे । प्रदर्श पी-2 व पी-3 की वीसीडी में जो आरोप लगाये गये हैं, वह मेरे ही विलङ्घ लगाये गये हैं । श्री पारस सखलेचा जी यह जानते थे कि वे जो आरोप लगा रहे हैं, वे असत्य व बैद्युतियाद हैं । परन्तु फिर भी उन्होंने जानबूझकर मेरी चुनाव संभावनाओं पर प्रतिकूल प्रभाव ढालने के लिए झूठे आरोप लगाये । चुनाव के पूर्व श्री सखलेचा जी या अन्य किरी गी लगाये । उन्होंने इस प्रकार के आरोप मुझ पर नहीं लगाये थे । इसका उद्देश्य गेरे चुनाव की संभावनाओं को प्रतिकूल

प्रभावित करना और लोगों को घमित करके मेरी छवि धूमिल करने का था। इसका प्रभाव यह हुआ कि लोगों में मेरी छवि खराब हुई और लोग उनकी समाजों में अधिक जाने लगे औ ऐसे बारे में लोग घरों में व सार्वजनिक स्थान पर चर्चा करने लगे इससे भमित होकर लोगों ने मेरे विलद वोट डाले।”

17 Petitioner Himmat Kothari has been cross-examined by the learned counsel for the first respondent. It is, however, interesting to note that in the entire cross-examination no suggestion has been given to the petitioner that the cassettes relied upon by the petitioner does not contain the statements made by Shri Parasmal Saklecha or that the allegations made in those cassettes does not pertain to the petitioner. It is also not the suggestion of the learned counsel for the first respondent that the allegation made in those statements by Shri Parasmal Saklecha are true or that the first respondent believe those statements to be true.

18 Some portion of the cross-examination confirms that the allegations in the cassettes pertain to Shri Himmat Kothari, the election petitioner. Relevant portion of his cross-examination is reproduced hereunder:-

“22— यह सही है कि मैं उस समय भारतीय जनता पार्टी का उम्मीदवार था तथा मुझे भारतीय जनता पार्टी का ही चुनाव विन्ह आवंटित हुआ था। यह कहना गलत है कि 1993 और 2008 का चुनाव मैं जनता के नाराज होने के कारण हारा था। इयतः कठा— कि 1993 के चुनाव हारने का कारण यह था कि जिस दिन मतदान हुआ उस दिन श्री दिग्विजय सिंह की सरकार की शापथ हुई थी और जूँकि कांग्रेस की सरकार बन गई थी। तथा रतलाम के सज्जन मिल की सरकार चला रहे, थी अतः कांग्रेस ने का था कि यदि कांग्रेस का उम्मीदवार हार गया तो हम मिल नहीं चलायेंगे। इसलिये सज्जन मिल से संबंधित लगासग 10,000 मतदाताओं ने भजबुर होकर कांग्रेस प्रत्याशी के पक्ष में मत दिया। पुनः कहा कि 2008 का चुनाव हारने का कारण यह नहीं था कि मैं मंत्री था इस कारण लोग मुझसे नाराज थे। मेरी छवि एक इमानदार मंत्री के रूप में थी तथा मेरे उपर कभी भी विधानसभा के अंदर एवं विधान सभा के बाहर भड़ाचार का आरोप भी न लगा और न ही ज़ोकायुक्त सीबीआई, व आर्थिक अपराध अनुसंधान शाखा में मेरी शिकायत हुई लेकिन चुनाव प्रचार के दौरान मेरे विलद जो झूठे,

अनार्गल, आधारहीन करोड़ों रु० के ग्रष्टाचार के आरोप श्री पांखा राकलेचा ने अपनी चुनाव आमतांग में लगाये उसके कारण से लोग भ्रमित हुए और बहकावे में आकर गेरे विरुद्ध मतदान किया, इस कारण में चुनाव छापा ।

23. स्वतः कहा— जब मैं दूसरे कार्यकाल में जब इन्दौर का प्रभारी मंत्री था उस समय वन में गोरों की मृत्यु पर दाना—पानी में हुए ग्रष्टाचार को लेकर एक शिकायत लोकायुक्त में हुई थी जूँकि उस समयक में वन मंत्री था इसलिये गेरे नाम का चल्लेख करते हुए लोकायुक्त में शिकायत हुई थी परंतु उस शिकायत में गेरे उपर ग्रष्टाचार का कोई आरोप नहीं था । लोकायुक्त ने इस संबंध में न तो मुझे कोई नोटिस दिया न भेरा बयान लिया न ही कोई पूछताछ की । केवल विमान से जानकारी ली गई थी और विमान के जवाब से सुनुष्ट होकर व विमान के अटि कारियों के खिलाफ की गई कार्यवाही से सुनुष्ट होकर प्रकरण समाप्त कर दिया था । यह कार्यवाही कब रागाप्त हुई इसकी तारीख मुझे याद नहीं है ।

24.

25. यह सही है कि जब मैं गंत्री था तब श्रीगती जगुनादेवी प्रतिपक्ष की नेता थी । यह भी राही है कि श्री लालकृष्ण आडवाणी हुगारी पार्टी गेरा रासरो परिष्ठ भेता है । मुझे ऐसी कोई जानकारी नहीं है कि श्रीमती जगुनादेवी ने गेरे उपर ग्रष्टाचार के आरोप लगाते हुए श्री लालकृष्ण आडवाणी को कोई पत्र लिखा था श्री आडवाणी जी ने मुझसे ऐसे किसी पत्र का उत्तर नहीं मांगा । साही से पूछा गया कि क्या आपने इस संबंध में आडवाणी जी को पत्र लिखा था तो साक्षी ने उत्तर दिया कि मुझे किसी सगाचार पत्र से जानकारी निली थी कि श्रीगती जगुनादेवी ने एक प्रेस कांफेस में यह यात कही है कि 13 मंत्रियों के खिलाफ लोकायुक्त में प्रकरण दर्ज है उसमें भेरा नाम भी है जब गैरि श्रीगती जगुनादेवी जी को एक पत्र लिखकर उनसे यह पूछा था कि मेरे खिलाफ कौन रा प्रकरण दर्ज है कृपया मुझे बताने का काट करें योंकि लोकायुक्त ने न मुझे कोई नोटिस दिया न मुझसे कोई पूछताछ की और इस पत्र की प्रति मेरें श्री लालकृष्ण आडवाणी को और गुरुमंत्री को गेजी थी । इस पत्र का मुझे कोई उत्तर श्रीमती जगुनादेवी ने नहीं दिया था ।

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31. गृहगंत्री की पोजिशन मंत्री मण्डल में दूसरे नम्बर पर होती है ऐसा कोई कानून नहीं है बल्कि ऐसी सामान्य मान्यता है । यह सही है कि 2005 में मैं दूसरी बार मंत्रीमण्डल में मंत्री बना । मैं श्री बाबूलाल गोड के मंत्री मण्डल में दूसरी बार मंत्री बना । मैं इसके पूर्व सुश्री उमा भारती के मंत्री मण्डल में मंत्री नहीं था । यह सही है कि बाबूलाल गोड के बाद श्री शिवराजसिंह के मंत्रीमण्डल में मंत्री बने । यह सही है कि श्री बाबूलाल गोड सरकार में व पार्टी में मुझसे वरिष्ठ है । यह सही है कि श्री शिवराजसिंह के मंत्रीमण्डल में जब मैं दूसरी बार गंत्री बना मेरे पास वन एवं परिवहन मंत्रालय था और उस समय मंत्रीमण्डल में मेरा चौथा नम्बर था । इस मंत्री मण्डल में राधव जी भी मुझसे सीनियर थे । यही सही है कि मैं सन 2007 में गृहगंत्री बना उस समय श्री बाबूलाल गोड भी मंत्रीमण्डल में गेरे साथ गंत्री थे । यह भी सही है कि उस समय भी श्री बाबूलाल गोड मुझसे सीनियर मंत्री थे और कैबिनेट में उनका दूसरा

नम्बर था । यह राही है कि श्री बाबूलाल गौड़ पूर्व गुरुमंत्री थे अतः जनता की नजरों में वह मंत्रीगण्डल में नम्बर दो पर थे । फिर कहा जिकर्यह जनता की नजरों में नम्बर दो के मंत्री नहीं थे क्योंकि जनता गुरुमंत्री को नम्बर दो का मंत्री मानती है ।

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38. न्यायालय में प्रस्तुत रुपी०डी० किस व्यक्ति ने तैयार की यह मुझे नहीं मालूम निर्वाचन आयोग से मुझे जो सी०डी० की प्रतियां दी गई थी उनमें से मैंने पारस सकलेचा को भाषण न्यायालय की सुविधा के लिये बंलग सी०डी० में बनाकर पेश किया है । मुझे यह नहीं पता की यह सी०डी० किस व्यक्ति ने तैयार की रूपः कहा की मेरे कार्यकर्ता इसे बनवाकर लाये थे मुझे दो रुपी०डी० निर्वाचन कार्यालय से प्राप्त हुई थी जिन पर उनके विधिकारियों के हस्ताक्षर हैं तथा शेष दोन सी०डी० मेरे कार्यकर्ता बनवाकर लाये थे । प्रदर्श पी-१ एवं प्रदर्श-३ की रुपी०डी० गुरु निर्वाचन कार्यालय से प्राप्त हुई थी । यह राही है कि इन दोनों सी०डी० पर श्री सुनील जायसवाल, श्री एस०एस० गुलाटी और श्रीहरीश पुरोहित के हस्ताक्षर और नाम हैं । मुझे नहीं मालूम की यह लोग कौन हैं । यह सही है कि प्रदर्श पी-२ की सी०डी० परी ममता शब्द लिखा है मुझे नहीं मालूम की ममता कौन है । मैं नहीं कर सकता कि श्री पारस सकलेचा को मैंने प्रदर्श पी-२ की कापी दी है या नहीं मैंने तो न्यायालय में पेश की है । यह राही है कि श्री पारस सकलेचा को दी गई रुपी०डी० पर श्री सुनील जायसवाल श्री एस०एस० गुलाटी एवं श्रीहरीश पुरोहित के न तो नाम है न हस्ताक्षर है । इसी प्रकार ममता शब्द भी इस पर नहीं लिखा है इस दोनों सी०डी० की प्रति प्राप्त करने के लिये मैंने स्वयं आवेदन प्रस्तुत किया था । यह दोनों सीडियां मेरा कार्यकर्ता निर्वाचन कार्यालय से लाया था । श्री पवन सोमानी इन्हें लाये थे । यह कहना गलत है कि प्रदर्श पी-२ एवं प्रदर्श पी-३ को सी०डी० मुझे या मेरे कार्यकर्ता को निर्वाचन कार्यालय से प्रदान नहीं की गई । यह कहना गलत है कि मैंने चुनाव याचिका के साथ प्रस्तुत करने के लिये प्रदर्श पी-२ एवं प्रदर्श पी-३ की रुपी०डी० गलत तैयार कराई । रूपः कहा कि इसकी ओरिजनल सी०डी० आज श्री निर्वाचन कार्यालय में उपलब्ध है ।”

19. In the cross-examination of the petitioner no suggestion has been given as to how the cassettes had been manipulated or tempered with. It has also not been suggested that they are not the certified copies as supplied to the petitioner by the Election Officer.

20. It is the matter of record that the other witnesses examined by the petitioner namely Shri Harish Purohit, who appeared as PW-3 and Smt. Rani Batad, who appeared as PW-6 have supported

the case of the petitioner about filing of an application for supplying certified copies of the cassettes regarding speeches made by Shri Parasmal Saklecha during the course of the election petition and Ex. P-2 and Ex. P-3 being the certified copies of the speeches so made by the first respondent in his election campaign. Even to these witnesses no suggestion has been given that the CDs are not the true and correct copy of the originals which are in possession of the returning officer. The respondent did not summon the original cassettes from the office of the returning officer to confront the petitioner about his allegation that the two cassettes filed on record are not the certified copies of their originals.

21 PW-2 Shri Hari Shanker Kumavat has also supported the case of the petitioner about allegations having been made by the first respondents against petitioner in his election meeting held at Bajna Bus Stand on 16th November, 2008. PW-5 Shri Ashish Sharma has deposed about the allegation made by the first respondent in the election meeting organized at Mochipura in November, 2008.

22 Shri Harish Purohit, who appeared as PW-3 has proved having video-graphed the election meetings organized by first respondent under the instructions of the office of the returning officer of the concerned District. He has deposed that he got covered the election speeches of Shri Parasmal Saklecha in the meetings held on 6th November, 2008 at Mochipura, on 9th November, 2008 at Hat Ki Chowki and on 16th November, 2008 at Bajna Bus Stand through his employees. He also stated that he has given the original cassettes to the officials of the election office and on their instructions have prepared certified copies of these

meetings vide Ex. P-2 and Ex. P-3.

23 Shri Virendra is a witness from the office of Election Commissioner. He appeared as PW-4. He has placed on record the permission granted to the first respondent about holding of election meetings as per the request made by the first respondent. He has proved copy of the application moved by the first respondent for seeking permission to hold the election meeting in Mochipura on 6th November, 2008 vide Ex. P-10 and permission granted is Ex. P-11. Similarly, he also proved application moved by the first respondent for obtaining permissions to hold the meetings at Hat Ki Chowki and Bajna Bus Stand, which are Ex. P-13 and Ex. P-14 while the permissions granted is Ex. P-15 and Ex. P-16.

24 Smt. Rani Batad, who appeared as PW-6 had been working as Deputy Election Officer. She has proved having supplied two certified copies of the cassettes to the petitioner after he made a request in this regard. The forwarding letter handing over the certified copies of the cassettes (Ex. P-2 and Ex. P-3) is Ex. P-1. She has deposed: -

“1- मैं इस समय जावरा जिला रत्नाम में एस.डी.एम. हूँ। दिनांक 07.01.2009 को मैं रत्नाम निर्वाचन क्षेत्र की उपजिला निर्वाचन अधिकारी थी। पत्र दिनांक 07.01.2009 प्रदर्श पी-1 मेरे द्वारा जारी किया गया था और इसके साथ सी.डी. प्रदर्श पी-2 व 3 की सत्यापित नकल भी दी गई थी। यह मैंने श्री मिस्त्र कोठारी को दरखस्त दिनांक 29.12.2008 के प्रत्युत्तर में दी थी। सी.डी. पर मेरे दरखत नहीं है। परन्तु प्रदर्श पी-1 ए रो ए गांग पर मेरे दस्तखत है। सी.डी. छगाक पी-2 एवं 3 पर सर्वश्री शुभील जायसाल, जायस तहसीलदार, अर्जनसिंह राठी, तहसीलदार, एस.एस. गुलाटी, नायब तहसीलदार और हरीश पुराणित के दस्तखत लगते हैं क्योंकि दस्तखतों के नीचे उनके नाम लिखे हैं। परन्तु मैं दस्तखतों को पहचानती नहीं हूँ।”

25 In the cross-examination of this witness no suggestion has been given on behalf of first respondent that cassettes Ex. P-2 and Ex. P-3 are not the true and correct copy of the original

record.

26 Now, coming to the evidence given in rebuttal, first respondent himself appeared as the first witness as RW-1. He also relied upon the statements given by the three other witnesses namely Shri Nitin Agrawal, who appeared as RW-2, Sanjay Kanodia (RW-3) and Shri Saleem Mohammad (RW-4).

27 As far as the statements made by RW-2, RW-3 and RW-4 are concerned, all admitted that they received certain financial benefit from the first respondent. Moreover they are also not clear as to what had been stated in the meetings subject matter of the controversy. Rather by default, they admit what have been stated by the first respondent in those meetings, therefore, the effective evidence on behalf of the respondent is his own statement.

28 In his examination-in-chief Shri Parasmal Saklecha has admitted that he held meeting in Mochipura, Flat Ki Chowki as well as Bajna Bus Stand. He has stated that he did not make any personal allegation against the petitioner in either of the meetings. He has specifically denied certain portions of the speech as was stated to have been made by him against the petitioner. The transcription of that portion has been proved by the petitioner as Ex. P-7, Ex. P-8 and Ex. P-9. *This portion which has been relied upon by the petitioner was very much available in the cassettes, which were played in the Court at the time of cross-examination of the first respondent.* In fact while the respondent has admitted certain portion of transcription to have been spoken by him but has denied about the other portion thereof, even though both these portions are available in the cassettes. The playing of the cassettes

goes to show that it was respondent only, who was making the speeches at the relevant time. It is a matter of record that there is no evidence available on behalf of the respondent to prove that there was any tempering in the cassettes played in the Court nor there is any evidence that the cassettes were not a true and correct copy of the original record. Rather the evidence led on behalf of the petitioner proves that the two cassettes out of which the transcription has been prepared were supplied to the petitioner as the certified copies of the original record by the Office of the Returning Officer of the Election. The respondent was supplied with the true and correct copies of those cassettes. He has also inspected the record yet he has not taken care of leading any evidence to contradict the case of the petitioner about the contents of the cassettes and transcription relied upon by him.

29. He also stated that the petitioner was Home Minister in the State of Madhya Pradesh at the time of election, which was held in November, 2008. Relevant portion is reproduced hereunder:-

“ १- मिल्ली विधानसभा के चुनाव में मैं निर्दनीय उम्मीदवार रत्नाम शर्मा को रीट पर था । गारतीय जनता पार्टी की ओर से श्री हिम्मत कोठारी प्रत्याशी थे । यह नवम्बर 2008 की थात है । इगारे अलावा 10 प्रत्याशी और थे ।

मैं इस चुनाव में 31400 मतों से विजयी घोषित किया गया । दूसरे नम्बर पर श्री हिम्मत कोठारी थे । चुनाव के रामय श्री हिम्मत कोठारी ५० प्र० रारकार में गृह मुक्ती थे । मैंने इस चुनाव में वार्ड-वार्ड में ग्रन्थण करके चुनाव प्रचार किया था इसके अतिरिक्त मैंने चुककड़ रागाएं भी की थी । मैंने गोचीपुरा में २-३ रागाएं करी थी । मुझे याद नहीं है कि मैंने ०६/११/२००८ को भी कोई सामा गोचीपुरा में करी थी हो सकता है कि करी हो । मैंने गोचीपुरा की किसी सामा में श्री हिम्मत कोठारी के खिलाफ कोई व्यक्तिगत वारोप जैसे “इस आदमी ने मध्यप्रदेश में अपने को बद्दगाम किया हसा आदमी ने राजनीति ग्रष्टाचार के नाम पर अपने नाम का रोशन किया और रत्नाम को कलंकित किया उस आप से मुक्ति गिल जावेगी.....कोई भी टीवी, देखा होया जिवना बड़ा ग्रष्टाचार पन्दह करोड़ का ग्रष्टाचार बन्दूक खरीदने के नाम पर जब वन मंत्री थे तीन हजार बन्दूखे इन्होंने इस्टर्न फोर्ट कम्पनी यू एस ए अमेरिका से खरीदी थी बन्दूकों की मौजूदा

कीमत दो करोड़ रु० है और इन्होंने यह बन्दूक सोलह करोड़ में खरीदी आज के टीवी पे यह मैं नहीं बोलता..... भ्रष्टाचार की हद कर दी चन्दा खोरी की हद कर दी रीमा तोड़ दी भ्रष्टाचार की सारी की सारी कितना भ्रष्टाचार कितना भ्रष्टाचार यह कोई सीमा होती है कितने दिये मैं बताता हूँ पतने के नाम पर क्या होता है झोपड़पट्टी में कागज पर दिखाया कि मेरे पर पन्द्रह लाख का करता बाप रे बाप मैं तो सुन कर ही दंग रह गया हम नहीं देख सकते कि मेरी नम्बर 2 मंत्री करजे मैं जिये रात को नींद कैसे आयगी करते मैं मैंने कहा कि पैसा इकट्ठा किया जावे तो मैं डिब्बा लेकर निकल गया मैंने नहीं लगाये ।

यह सही है कि मैंने हाटकी बौकी पर 2-3 सापाएं करी थीं परन्तु मैंने ऐसी किसी भी समा में श्री हिम्मत कोठारी पर कोई भी आरोप नहीं लगाये । श्री हिम्मत कोठारी के बारे में ऐसा नहीं कहा कि ” यह हालत हो गई रतलाम की यह हमारा नम्बरदो वेलेनटाइन द्वे मनाते हैं दो दिन निकलेंगे नोट लेकर साड़ धार हजार पन्द्रह लिटर की प्लास्टिक की कोटी रतलाम में आ चुकी है पांच हजार टी.वी. सेट के आड़र हो चुके हैं बीस हजार टी शट्ट प्रिन्ट होने जा रहे हैं तीन हजार ठेला गाड़ी तैयार हो चुकी है और हजारों की रांच्या में लिफाफे तैयार हो चुके यह कोठी के रूप में या टी.वी. सेट के रूप में या ठेलागाड़ी के रूप में या लिफाफे के रूप में या टी शट्ट के रूप में हमारे आदरणीय दो जी राड़क पर निकलेंगे फूल की जगह उसको लेकर बोलेंगे कि मेरी प्यारी जनता यह ले कोठी मैं तेरे से प्यार करता हूँ यह ले लिफाफा भैया मैं तेरे से प्यार करता हूँ यह ले टी जी मैं तेरे से प्यार करता हूँ जो हमारे बाट को खरीदने वाले जोट ये कोई छोटी सोटी बात है आज मुझे पता लगा मैंने उसके पुफ इकट्ठा किये हैं ये इमानदारी की गाते करते हैं जिनके मन गं खोट है वो लोग इमान खरीदते हैं होटल बन दिया है बैंगलोर में जातु हो गई भैया मेरा तो आदानी रह कर आ गया वहाँ पर अगी याए के अन्दर कालीनी यन रही है तीन सौ करोड़ की कालीनी बन रही है बाबे गें बोरीवली से गायन-दर के बीच तीन रो करोड़ की जमीन का सौदा हुआ है यह इगान की बात करने वाले लोग गेरे पारा इनके भ्रष्टाचार के सेकड़ों उदाहरण है । एक रो एक गढ़कर आपको हर रात्र में प्ररतुत कलंगा कि कैसी बाते करते हैं इस प्रदेश का सबसे असाम मंत्री इस प्रदेश का राष्ट्रीय लापरवाह भंत्री और इस प्रदेश का सबसे भ्रष्ट गंत्री है हमारा नम्बर दो और इसका नम्बर भी 2 है और काम भी नम्बर दो के हैं पोजिशन भी नाब्र दो की और काम भी नायर दो के हैं भी नम्बर दो के हैं ।”

मैंने बाजना बस स्टैंड पर 2-3 सापाएं की थीं, लेकिन 16.11.2008 को की थी यह याद नहीं है परन्तु हिम्मत कोठारी के कोई भी मिथ्या आरोप जो पैरा 6 में जो पोशान नियमित हैं :- “ कल आपने नेशनल चेनल एन.डी. टी बी के अन्दर बताया गया कि इस प्रदेश राक तेरठ रायरो ग्रष्ट मन्त्रियों के खिलाफ लोकायुक्त में गम्भीर प्रकरण यल रहे हैं जिसमें निश्चित ही वह अपराधी सिद्ध होंगे और एन.डी.टी बी. दिन 13 साबरो ग्रष्ट मंत्रियों में रायरो पठले किसका नाम ले रहा था नम्बर दो क्या किया नम्बर दो ने अरे आप देखो पहले मैंने कहा था चालीस रु० की बन्दुख 460 रु० में

खरीद कर पैतालीस करोड़ का शष्टाचार किया डंडा डंडा दो करोड़ की बन्दुक सोलह करोड़ त्रियों खरीद कर 14 करोड़ का शष्टाचार किया यह तो छोटी गोटी यात अब आप नम्बर दो का पक्षी प्रेम देखिए इंदौर बन मण्डल के तहत 1217 मोर जीवित हैं कितने मोन 1217 दो हजार छह की गयी। में 1217 मोर को सरकार ने दाना और पानी पिलाने के लिए जिला सरकार इंदौर में जिसके प्रभारी महारे नम्बर दो हैं एक प्रस्ताव पास किया कि मोरों की जान को खतरा है राष्ट्रीय पक्षी है इनको बचाने के लिए दाना और पानी दिया जाये अब 1217 मोर तीन महीने के अन्दर 17 करोड़ का दाना और आठ करोड़ का पानी पिला दिया 1217 मोर तीन महीने में 17 करोड़ का दाना और आठ करोड़ का पानी पी गये यह है लोकतंत्र में हमारे नम्बर दो की गहत्वपूर्ण भूमिका बाहर रे बाहर हिन्दुस्तान.....।" यह मैंने नहीं कहा।

मेरी जानकारी के युवाविक चुनाव आयोग ने चुनाव समाचारों की वीडियो रिकॉर्डिंग करने पर मेरे कोई आवेद्य नहीं दिया था। श्री हिम्मत कोठारी ने जो आरोप चुनाव याचिका में मेरे बारे में लगाए हैं वे सब गलत हैं क्योंकि मेरे अपने गाषणों में उनके चरित्र के बारे में कोई आरोप नहीं लगाए।

मैंने चुनाव याचिका के साथ लगी हुई सी डीज देखी है वो राब टोडगरोड कर बनाई गई है और सच्चाई से परे है। उनमें बहुत जगह मेरी आवाज गी नहीं है और उनके छेड़छाड़ की गई है। वर्तमान चुनाव वाधिका श्री डिग्गत कोठारी ने छूटी दायर की है छेदल अपने आत्मसामान को बचाने के लिये। चुनाव याचिका दायर करने के पूर्व और चुनाव के दौरान श्री हिम्मत कोठारी ने जो आरोप मेरे उपर लगाये हैं उनके संबंध में कोई शिकायत मेरे बारे में चुनाव आयोग से नहीं करी। पहले भी श्री हिम्मत कोठारी चुनाव हारे हैं। मेरा यह भी कहना है कि श्री हिम्मत कोठारी के विरुद्ध उनके पद के दौरान शष्टाचार के आरोप लगते रहे हैं।"

30 It may be observed here, that except the oral statements as quoted above, the first respondent has not led any evidence about the manipulation or tempering in the video-cassettes relied upon by the petitioner and the copies as supplied to him, which shows that whatever is alleged by the petitioner is very much available in the cassettes and the transcription thereof filed on record & reflects the record of the statements made in those cassettes. The petitioner nowhere states that the cassettes relied upon by the petitioner are not the true and correct copy of the record prepared by the Election Commission. In so far as his statement that the Election Commission had not given any direction to record the proceedings of the election meetings held

during the course of the election is contradicted by Smt. Rani Batad, who appeared as a witness for the petitioner has not been cross-examined on the issue at the time of recording proceedings of the election meetings was unauthorized for that purpose no direction was given. In this regard it may be observed here, that in terms of the statement made by PW-3 Harish Purohit it is apparent that the videograph was done by the said witness of all the meetings organized during the election campaign pursuant to the directions given by the Returning Officer. In his cross-examination he has also stated that the video graph was done with respect to the meetings right from the notification about holding the election and till the date of the election campaign. Moreover Virendra Katre (PW-4) in his examination-in-chief also stated that the video recording was done as per the directions of the Election Commission. There is nothing in the cross-examination of this witness that no such direction was given by the Election Commission.

31 During the cross-examination of Shri Parasmal Saklecha, video cassettes were played in the Court. After seeing the video cassettes the witness has admitted that he was the person, who was giving the speech in that cassettes. Even though, the first respondent has denied that some portion of the transcription was not as per the speech but in this regard no evidence, which may establish his statement in cross-examination has been led. Portion of his cross-examination regarding video cassettes is as under:-

“इस समय वादी के कहने पर सीडी Ex,p/2 सील कवर में से लिकाल कर DVD Player पर चलाई गई। इस सीडी के बाहर यह लिखा है “पारस आमरामा मोचीरा 06/11/2008”

उपरोक्त सीडी मोचीपुरा व हाटकी चौकी में जो समारं आपने की, और जिसकी जो रिकार्डिंग निर्वाचन

आयोग के व्यक्ति द्वारा की गई और जिसकी प्रक्रीया नकल ही गई और जो चुनाव धारिका के साथ (Annexure P/5) लगाई है और जिसको बाकी Ex.p/2 किया गया जानकी गई । इसमें एक चुनावी रामा 06/11/2008 को गोचीपुरा में हुई है ।

यह कहना गलत है कि यह भोचीपुरा की सम है परन्तु यह राही है कि मैं इस रीडी में भाषण देता हुआ नजर आ रहा हूँ । मेरा यह कहना है कि यह 06/11/2008 की रामा नहीं है परन्तु गोचीपुरा की रामा है ।

इस रामा में मैं भाषण कर रहा हूँ । मैंने इस रामा का ट्रांसक्रिप्शन (transcription) Ex. p/7 देखा और पढ़ है । इस document में portion "A" से "A" मेरे द्वारा दिया गया भाषण है । इसी प्रकार portion "B" से "B" तक तथा "C" से "C" तक भी मेरा भाषण है । इसी प्रकार पेज नं 04 पर portion "F" से "E" तक भी मेरा भाषण नहीं है तथा portion "F" से "F" तक भी मेरा भाषण नहीं है ।

मेरा यह कहना है कि पूरा भाषण मेरे द्वारा ही दिया गया है परन्तु यह सीडी (doctored) सीडी है वे मेरे द्वारा दिये गये भाषण का ठीक प्रसरण नहीं है इसमें यहुत सारी बातों को तोड़-भरोड़ कर प्रसरण किया गया है । इस बीड़ियों में भाषण देने वाला व्यक्ति मैं ही हूँ ।

गवाह यो Ex.p/2 का बगला भाग जिसमें कि 09/11/2008 की भीटिंग है और जिसका (transcription) Ex.p/8 है चलाकर दिखाई गई ।

इस सीडी में portion "A" से "A" portion "B" से "B" तथा portion "C" से "C" और portion "D" से "D" मेरे द्वारा दिया भाषण नहीं है ।

यह सीडी हाटकी चौकी की समा की नहीं है । इस सीडी में कई अंशों का तोड़-भरोड़ कर जोड़ गया है ।

(प्रश्न न्यायालय के द्वारा) डालाकि पूरा भाषण चुनाव प्रचार में दी गई अनें सभाओं को जोड़कर बनाया गया है और बीड़ियों में मैं ही भाषण कर रहा हूँ ।

— इसके बाद गवाह को सीडी Ex.p/3 दिखाई गई जिसका (transcription) Ex.p/9 है ।

— गवाह ने कहा कि इस भाषण में portion "A" से "A" portion "B" से "B" तथा portion "C" से "C" जैसा कि transcription Ex.p/9 दिखाया गया है मेरे द्वारा दिये गये भाषण का दिस्ता नहीं है और मेरी आवाज में नहीं है यह भी कहा कि यह बाजना बसस्टेप्ड की रामा की ठीक रिपोर्टिंग नहीं है । इस सीडी में अनेक राष्ट्रों के भाषणों के अशों गो तोड़भरोड़ कर दिखाया गया है परन्तु यह सब मेरी आवाज में है जो चुनावी

समाजों के भी हो राकरे हैं और अन्य समाजों के भी हो राकरे हैं। मेरी जानकारी के गुताधिक चुनाव आयोग ने ऐसी कोई सीढ़ी बनाने के आदेश नहीं दिये।

मैं यह नहीं कह सकता कि यह सीढ़ी चुनाव आयोग के द्वारा जो बीड़ियों बनाई गई थी उसकी प्रभागित प्रति है।

यह कहा गलत है कि मैं शीर्ष जानकारी गलत बताने दिया हूँ कि यह सीढ़ी गेरे द्वारा दिये गये साथों की सत्य प्रति नहीं है। यह कहना गलत है कि Ex.p/1 व Ex.p/3 मेरे द्वारा दिये गये साथों की ठीक रिपोर्टिंग की सत्य कापी है।”

32 Now, coming to his further cross-examination it is found that he admits that for the purpose of holding any meeting it was necessary to obtain prior permission. He admits that Ex. P.1 and Ex. P.11 are the permission granted to the petitioner for holding meetings at Mochipura. PW-11 pertains to the meetings held in Mochipura. Same is replied with respect to the election meeting of Hat Ki Chowki and Bajna Bus Stand for which permission was granted vide Ex. P.14 and Ex. P.16 respectively.

33 The witness has tried to give evasive reply in his cross-examination about holding of those meetings by deposing; -

“1-यह राही है कि चुनाव प्रधार के सांदर्भ में जो भी चुनाव समाएं होती हैं, उनकी अनुमति लेना आवश्यक है। ऐसी अनुमति मेरी जानकारी में थी। इसी प्रकार 06/11/2008 में हुई मोचीपुरा की चुनाव समा की अनुमति ली गई होती। मुझे याद नहीं है कि ऐसी कोई समा हुई या नहीं। प्रदर्श पी/10 मेरे चुनाव प्रतिनिधि श्री पीयूष बाफना ने दी थी। यह भी राही है कि प्रदर्श पी/11 इस सांदर्भ में दी गई अनुमति है। यह राही है कि ये समा हुई और इसके खर्च के बारे में चुनाव आयोग को हिसाब दिया गया। इस याचिका के जबाब को पढ़ लिया था। यह कहना गलत है कि मोचीपुरा में केवल एक समा हुई थी। मैं तारीख नहीं बता सकता। मुझे याद नहीं है कि किसी और समा की अनुमति ली गई या नहीं। पुनः कहा कि मैंने मोचीपुरा में तीन समाएं की थीं परन्तु किसी भी समा में श्री कोठारी के खिलाफ कोई व्यक्तिगत आरोप नहीं लगाए। मैंने चुनाव याचिका के साथ दी गई सीढ़ी को देखा है। मैं सीढ़ी देखकर ही बता सकता हूँ कि कौन सी जगह मेरी आवाज नहीं है। प्रदर्श पी/7 समा में मेरे सामरण का ठीक प्रारूप नहीं है। मैं प्रारूप को पढ़कर यह कहा मेरी आवाज नहीं है। यह मैं नहीं कह पाऊंगा क्योंकि सीढ़ी रूप स्पष्ट नहीं है। मैंने अपने जवाब में यह कहा है कि जो सीढ़ी मुझे दी गई है वह सारा नहीं है। मैंने अपने जवाब में भी गले कहा है कि ये सारे मेरे जवाब में लिखी हैं या नहीं।”

मुझे याद नहीं है 09/11/2008 को हमारी एक चुनाव समा हाटकी चौकी सुभाष नगर में हुई थी। उस क्षेत्र में चुनाव प्रचार के दौरान हमारी पांच समाएं हुई थीं। मुझे यह याद नहीं है कि आमसगा कितनी हुई थी। मुझे याद नहीं है कि मेरे चुनाव ऐजन्ट ने ऐसी किसी समा के लिये अनुमति ली अथवा नहीं ली। प्रदर्श पी/13 और प्रदर्श पी/14 सही हैं। मुझे याद नहीं है कि 09/11/2008 को सभा हुई और मैंने उसको रांबोधित किया।

1. दिनांक 06/11/2008 को गोरी कोई समा मोचीपुरा में हुई या नहीं मुझे याद नहीं है। यह भी मुझे याद नहीं है कि मैंने 06/11/2008 को कहीं गाषण दिया था नहीं परन्तु किसी नुक्कड़ समा में हो सकता है। कि मैंने गाषण दिया हो। मैंने अपने गाषण में श्री हिम्मत रिंह कोठारी के खिलाफ कोई व्यक्तिगत आरोप नहीं लगाये थे।

मुझे याद नहीं है कि 09/11/2008 को हाटकी चौकी में कोई जनसगा हुई अधिया नहीं। मुझे याद नहीं है कि इस संदर्भ में कोई अजी अनुमति के लिये दी थी या नहीं, अगर दी थी तो हमारे चुनाव संचालक ने दी होगी। यह सही है कि प्रदर्श पी/13 मेरे चुनाव संचालक ने हाटकीचौकी में समा की अनुमति के लिये दिया था। यह भी सही है कि पी/14 अनुमति मिली के बाबत है। मुझे याद नहीं कि इस समा में मैंने गाषण दिया अथवा नहीं।

मुझे यह भी याद नहीं कि 10/11/2008 मेरी एक चुनाव समा बाजाना बसरटेल पर हुई थी या नहीं। मुझे यह भी याद नहीं है कि उस मीटिंग को मैंने रांबोधित किया था या नहीं। यह सही है कि प्रदर्श पी/15 के द्वारा उस मीटिंग के लिये अनुमति मांगी गई थी और प्रदर्श पी/16 हारा अनुमति दी गई थी। हमने जो जवाब दिया है वो चुनाव शाविका में लगाए गये आरोपों के संबंध में है। यह सही है कि मेरे जवाब में इन तीनों समाजों के बारे में यह नहीं कहा कि सभाएं हुई मुझे याद नहीं है।

मैंने अपने जवाब में यह लिखवा दिया था कि इन तीनों समाजों में मैंने गाषण नहीं दिया। यह कहना गलत है कि मैंने अपने जवाब में यह गाना है कि मैंने श्री कोठारी के खिलाफ अपनी शागाजों में आरोप लगाए थे। हो सकता है कि मैंने उपरोक्त तीनों समाजों के बारे में अपने शपथपत्र में खर्च का व्योरा दिया हो। प्रदर्श पी/17 मेरे शपथपत्र की सत्य प्रति है। यह सही है कि इस शपथ पत्र के साथ लगे हुई पत्रकों में उपरोक्त तीनों समाजों के खर्च का जिक्र है। शपथपत्र में मेरे द्वारा सही विवरण दिया गया था जिसमें उपरोक्त तीनों समाजों के खर्च का जिक्र भी था। श्री हिम्मत रिंह कोठारी के बारे में उपरोक्त तीनों समाजों अथवा अन्य समाजों में उनका जिक्र जल्द है पर मैंने उन पर ऐसे कोई आरोप नहीं लगाए जो चुनाव आचार संहिता के बजाए हों। चुनाव आयोग के समक्ष उपरोक्त तीनों समाजों के बारे में कोठारी जी ने कोई शिकायत नहीं की। यह कहना गलत है कि श्री कोठारी की शिकायतों के कारण मेरे खिलाफ कोई पुलिस के साथ दुआ या मैंने कोई जगानव ली।

34 As stated, when the cassettes were played about the meetings the first respondent recognized himself making speeches in those meetings though according to him only recognize a portion of the speech made in those meetings. At this stage it may be observed, that no contrary evidence which may prove that the entire transcription relied upon by the petitioner after playing of the cassettes in the Court is not the correct transcription of the cassettes played or that it can be said that there is any manipulation or tempering in the speeches recorded in the cassettes.

35 The portions which the respondent has admitted to have been part of his speech in those three meetings are portion of the transcription which are the transcription prepared from the cassettes relied upon by the petitioner; which portion is authentic and which portion is not authentic was for the first respondent to bring on record by leading the cogent evidence, however this has not been done.

36 I have already referred to the documents relied upon by the petitioner Ex. P-1 is a letter issued by the District Election Officer issuing certified copies of VCDs. This letter has been proved by PW-6 Smt. Rani Batad. Along with this letter certified copies of the video cassettes about the public meetings held by the first respondents were supplied to the petitioner pertaining to the public meetings held at Mochipura, Bajna Bus Stand and Hat Ki Chowki Ex. P-3 is the certified copy of the meeting held at Bajna Bus Stand, Ex. P-2 is the certified copy of the meeting held at Mochipura and Hat Ki Chowki. The petitioner had prepared copies of the speeches of Shri Parasmal Saklecha made at the aforesaid three meetings vide Ex. P-4, P-5 and P-6. He also placed on record

the transcription of his speeches which were Ex. P-7, Ex. P-8 and Ex. P-9. The petitioner is also proved on record, application made by the first respondent to hold the meetings at Mochipura, Hat Ki Chowki and Bajna Bus Stand. Ex. P-10, P-13 and P-14 are the applications given by the first respondent while Ex. P-11, Ex. P-14 and Ex. P-16 are the permission granted to him. These documents have been proved by PW-4, who supports the case of the petitioner from the office of the District Election. Ex. P-17 is another document which proves that in the election expenses Shri Parasmal Saldecha-respondent no.1 has given details of the public meetings which includes the meetings held at the aforesaid three places.

37 Learned counsel for the petitioner has also submitted that while it was a defence of the first respondent that he did not hold election meetings at the aforesaid three places and that he did not make any allegations of corrupt practices against the petitioner, the first respondent has not put this question to the petitioner in his cross-examination. He has relied upon the judgment reported in 2000 (1) JLJ 106 and 2001 (2) JLJ 261 which fortifies that in such circumstances adverse view has to be taken against the first respondent.

38 Petitioner submitted that cross-examination conducted on the petitioner with respect to the allegations which were made in the three meetings, shows that the first respondent admits having made those allegations against the petitioner during the process of election campaign and thus, it is submitted that this amounts to conducting the corrupt practices used by the first respondent in this election.

39 Thus from the aforesaid discussions, it is apparent that Parasmal Saklecha the first respondent, during election meetings made false statements in public meetings and thereby made publication against the petitioner in relation to his character and conduct. This is so because the petitioner in his statement has categorically stated that the allegations made in paragraphs 4, 5 and 6 of the election petition were made by the first respondent. He also made statement that the allegations were against the petitioner. He also stated that the allegations were false. Moreover, a bare reading of the allegations clearly establishes that the allegations were against the petitioner in relation to his character and reputation. There is nothing on record to establish that the allegations were true or the first respondent believed them to be true. In this regard I have already discussed the statement made by first respondent and his witnesses. None of the witnesses have stated that the allegations as reflected in paragraphs-4, 5 and 6 forming part of the two certified copies of the cassettes supplied to the petitioner by the Office of the Returning Officer were true statement or that first respondent believed them to be true. Accordingly, such conduct of the first respondent is covered by the definition of corrupt practices as provided in under section 123(4) of the Act.

40 Now, it will be also appropriate to take note of the written submissions of the first respondent who has raised preliminary objections as to the maintainability of the petition itself. It is his case that :

- (i) that the copy of the election petition served upon the first respondent is not a true copy of the election petition inasmuch as, copies of Annexure P-5 and Annexure

P-6 i.e. the video cassettes supplied to the answering respondent does not bear four names and signatures namely that of Sunil Jaiswal, S.S. Gulati, Harish Purohit and Mamta, which names and signatures are available on the certified copies of the original CD relied upon by the petitioner in support of his case and therefore, it is submitted that the copy of the election petition along with copies of Annexure P-5 and P-6 was not the complete copy of the election petition served upon the first respondent and therefore, it was in violation of Section 81 (3) of the Representation of People Act and the election petition is, therefore, liable to be dismissed on this ground alone.

(ii) that while it was mandatory on the part of the petitioner as provided under Section 83 of the Act to plead all material facts and particulars in his election petition but the petitioner has failed to plead any material facts and particulars in the election petition. On this ground also the election petition was liable to be dismissed. In this regard respondent has submitted, that it is stated in paragraph-7 of the election petition that the disputed CDs Annexure P-5 and Annexure P-6 are prepared as per direction issued by the election commission; the direction issued by the election

commission is an integral part of the election petition but the petitioner has neither pleaded nor produced direction issued by the election commission. Therefore, no cause of action arose and the petition is liable to be dismissed on this ground also.

(iii) That the petitioner has not pleaded in the election petition, who recorded the CD Annexure P-5 and Annexure P-6, who prepared certified copy of the Annexure P-5 and Annexure P-6 and who gave the certified copy to the petitioner. It is also not pleaded about source of information of alleged speeches of the first respondent. Therefore, the petition is liable to be dismissed on this ground also.

(iv) It has also been submitted that non mentioning of the complete speech in paragraphs 4, 5, 6 of the election petition as stated to have contained in Annexure P-5 and Annexure P-6, also makes the election petition liable to be dismissed.

(v) It is further submitted that the basic ingredients of Section 123 (4) of the Act have not been pleaded in paragraphs 4, 5 and 6 of the election petition.

(vi) that the affidavits filed along with the election petition is not in proper format and has also not been verified as per the procedure prescribed under Order 6 Rule 15

of C.P.C.

41 Regarding non-pleading of basic material fact in the election petition, the first respondent relied upon the following judgments.

- AIR 1986 SC 1253
- AIR 1990 SC 924
- 2013 (1) MPLJ 21

42 Regarding non-supply of true copies of the election speeches being Annexure Ex.-P/5 & Ex.-P/6, it has been submitted that those were not the exact copies of the cassettes relied upon by the petitioner in support of the election petition. In this regard, the first respondent has relied upon the following judgments.

- AIR 1996 SC 1691
- AIR 1984 SC 305
- AIR 1983 SC 558
- AIR 1971 SC 342

43 The first respondent has also submitted that the CDs relied upon by the petitioner are not genuine and reliable documents. These documents are manipulated. PW-3 Harish Purohit is neither authorized person nor author of the CD. Smt. Rani Batad (PW-6) is also not authorized person to give the certified copy of the election record because she was not the election officer appointed by the Election Commission as per Section 2 (1) (cc) and 13 (aa) of the Act. Reliance is made on the following judgments: -- AIR 2010 SC 965

44 It is also submitted that there is no evidence, which may establish that the CDs are connected with the alleged meetings.

45 It would now be relevant to take note of the judgment

relied upon by the first respondent. The first judgment is the judgment delivered in the case of Dr. (Smt) Shipra Vs. Shantilal Khoiwal reported in AIR 1996 SC 1691. The relevant paragraph of the judgment which throw light on the controversy raised by the respondent are paragraphs no. 6 & 8. These paragraphs are reproduced hereunder for the sake of reference.

6. Thus in all the appeals, the only question that arises for consideration is : whether the copy of the election petition accompanied by supporting affidavit served on the respective respondent along with Form 25 prescribed under Rule 94-A of the Conduct of Elections Rules, 1961 (for short, the 'Rules') without attestation part duly verified by the District Magistrate/Notary/Oath Commissioner can be said to be "true and correct copy" of the election petition as envisaged in Section 81 (3) of the Act ? An election petition calling any election question, presented under Section 81 (1) of the Act, shall contain a concise statement of the material facts on which the petitioner relies, set forth full particulars of any corrupt practice alleged therein, including "as full a statement as possible" of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and the election petitioner shall sign the petition and verify in the manner laid down in the Civil Procedure Code, 1908 for the verification of the pleadings. Sub-section (3) of Section 81 envisages that "(E)very election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the election petition and every such copy shall be attested by the petitioner under his own signature to be "true copy of the petition". Indisputedly, requisite number of copies of the election petition accompanied by the summons were attested by the appellant under her

own signature to be true copy. The copy supplied to the respondent admittedly did not bear the attestation part. Rule 94-A of the Rules provides that the affidavit containing allegations of corrupt practices shall be in the prescribed form, viz., Form 25 which enjoins accompaniment of solemn affidavit to be duly sworn by the election petitioner duly verifying correctness of alleged corrupt practice mentioned in various paragraphs of the election petition and attestation by District Magistrate/Notary/Oath Commissioner. The copy supplied to the respondent admittedly did not contain such a verification by the Notary who had attested the original affidavit filed along with election petition certifying it to be a true copy.

8. It would thus be clear that a true copy is a transcript identical to or substitute to the original but not absolutely exact copy. But nobody can by any possibility, misunderstand it to be not a true copy. It is seen that the test, as stated earlier, is whether by any variation from the original is calculated to mislead an ordinary person. When a petitioner is enjoined to file an election petition accompanied by an affidavit duly sworn by the applicant duly verifying diverse allegations of corrupt practices imputed to the returned candidate and attested by the prescribed authority it would be obvious that the statute intended that it shall be performed in the same manner as prescribed in Form 25 read with Rule 94-A of the Rules.

46. The second judgment relied upon is the judgment delivered in the case of Mithilesh Kumar Pandey Vs. Baidyanath reported in AIR 1984, SC 305. The relevant paragraphs on which, reliance has been placed are paragraphs no. 17 to 28 which

reads as under.

17. In the view that we take, it is not necessary for us to wade through a detailed discussion of the mistakes because a few mistakes pointed out by the Judge himself clearly reveal that they were of a very vital and material nature so as to mislead the returned candidate and prejudice him in his defence. Schedule I to the election petition contained the list of persons through whom the corrupt practices were alleged to have been committed. An analysis of these mistakes may be placed in three categories - (1) where there is complete omission of some names which have been mentioned in the election petition but not in the copy supplied to the returned candidate, (2) giving absolutely wrong names which are bound to mislead the appellant in his defence as the persons bearing the wrong names could not be traced out, and (3) some names given in the petition appear to be males but in the copy given to the appellant they appear to be females.

18. Coming to the first category, a few examples will suffice to illustrate our point :

[Sl. No. in Schedule I	Name in the original petition	Name in the copy
17	Yogendra Jha	Omitted
37	Bulari Devi	Omitted
188	Bal Bhogia	Omitted
445	Ramdeo Paswan	Omitted
486	Jugeshwari Devi	Omitted

19. The omission of names cannot be said to be a typing mistake but a very vital and serious one which is sufficient to entail the dismissal of the election petition. Under the second category (giving wrong names), the following names may be mentioned :

[Sl. No. in Schedule I

Name in Original

Name in copy

42	Nanpuran Mitra	Mahpuran Mitra
62	Bilas Jha	Biml Jha
105	Dukhi Devi	Sudama Devi
179	Bhekai Paswan	Mokai Paswan
385	Mauki	Tetri
440	Kalasiya	Kalya
466	Kalish Jandra Jha	Kali Janwa Jha
479	Gayatri Devi	Sati Devi
498	Udit Mishra	Udit Mitra
579	Yashodara Mishra	Yashoda Devi
679	Jhularia Devi	Kaushilya Devi

Third Category

29. Kiran Jha (May be a male or a female) Kiran Devi (Must be a female)

444 Dularia Ramdeo Paswan

675 Rajsunair Yadav Rajsunari Yadav]

20. There are many more mistakes given in Schedule I but we have selected only those which are vital and may seriously prejudice the defence of the appellant because it will be very difficult for him to find out the persons, named in the copy supplied to him, who are said to have indulged in corrupt practices at his instance.

21. Thus, on an overall consideration of the facts and circumstances of this case, we are unable to agree with the High Court that the mistakes in the copy were either verbal, typographical or clerical. The present case appears to be a much worse case than Murarka Radhey Shyam Ram Kumar's case (AIR 1964 SC 1545) (supra) where only a slight difference in the title led this Court to hold that the mistake was a vital one.

22. We are, therefore, of the opinion that the High Court committed a serious error of law in holding that there had been a substantial compliance of the provisions of Section 81 (3) of the Act so as to exclude the application of S. 86 of the Act.

23. For the reasons given above, we allow the appeal and dismiss the election

petition filed in the High Court but in the circumstances without any order as to costs. As a result of our judgment, nothing now survives in the High Court.

Appeal allowed.

47 In the case of M.Karunanidhi Vs. H.V. Handa reported in AIR 1983 SC 558, it is not necessary to refer to all the paragraphs. Relevant discussions about the documents which was not supplied along with the election petition is in paragraph no. 41, which reads as under :

41. It is obvious that the photograph was a part of the averment contained in paragraph 18 (b). In the absence of the photograph the averment contained in paragraph 18 (b) would be incomplete. The photograph referred to in paragraph 18 (b) was therefore an integral part of the election petition. It follows that there was total non-compliance with the requirements of sub-section (3) of Sec. 81 of the Act by failure to serve the appellant with a copy of the election petition. In Ch. Subbarao's case (AIR 1964 SC 1027), supra, the Court held that if there is a total and complete non-compliance with the provisions of sub-sec. (3) of Section 81, the election petition could not be treated an "election petition presented in accordance with the provisions of this part" within the meaning of Section 80 of the Act. Merely alleging that the appellant had put up fancy banners would be of no avail unless there was a description of the banner itself together with the slogan.

48 IN the case of Jagat Kishore Vs. Rajendra Kumar reported in AIR 1971 SC 342, the objection was regarding the discrepancies between the copy of the petition supplied to the opposite party and actual petition present in the Court. Paragraph no. 6 is relevant in this regard, which is reproduced hereinunder for the sake of reference :

6. Mr. M. C. Chagla, learned Counsel for the appellant contended that

Section 81 (3) is merely directory and not mandatory. We do not think it necessary to go into that question, as in our opinion that provision has not even been substantially complied with. The requirements of Sec. 81 (3) have been laid down by this Court in *Murarka Radhey Shyam Ram Kumar v. Roop Singh Rathore*, (1964) 3 SCR 573 = (AIR 1964 SC 1545). In that case this Court ruled that the word 'copy' in Section 81 (3) of the Act did not mean an absolutely exact copy but a copy so true that nobody could by any possibility misunderstand it, and that the test whether a copy was a true one was whether any variation from the original was calculated to mislead an ordinary person. The same view was taken by this Court in *Ch. Subbarao v. Member Election Tribunal, Hyderabad*, (1964) 6 SCR 213 = (AIR 1964 SC 1027). In our opinion, it is not necessary to refer to the discrepancies between the original petition and the copy served excepting that referred to in Clause (f) of paragraph 15 of the trial Court's judgment. Admittedly Shri Munshi Hansda and Paul Hansda are members of the Patna Legislative Assembly. In the election petition it was stated that money was offered to Shri Jetha Kisku, M. L. A. by Munshi Hansda but in Exh. 'O' it was stated that money was offered to the said Jetha Kisku by Paul Hansda. This divergence was bound to mislead the contesting respondents and prejudice their defence. Pleadings in a case has great importance and that is more so in election petitions particularly when the returned candidate is charged with corrupt practice. He must know what the charge against him is so that he may prepare his defence. If relying on the allegations in the copy of the petition served on him that the money was paid to Jetha Kisku through Paul Hansda, the 1st respondent had collected evidence to show that that allegation is false then the entire basis of his defence would have fallen to the ground because at a later stage he had to meet a totally different case. The law requires that a true copy of the election petition should

be served on the respondents. That requirement has not been either fully or substantially complied with. Therefore, we have no doubt in our mind that the election petition is liable to be dismissed under Section 86 of the Act.

49. A perusal of the judgments as quoted above holds that the petitioner who comes before this Court with a prayer that the election of the returning candidate be declared void, must plead all the material facts more particularly when the allegation made in the election petition are the allegations of corrupt practices. True copies of the election petition as well as the Annexures annexed with the petition are required to be supplied to the relevant parties. Any default committed by the petitioner i.e. lack of material particulars and lack of supply of true copies of the election petition and its annexures may lead to dismissal of the petition under section 86 of the Act. However, it is not the requirement that exact copy of the election petition or the annexures annexed therewith should be supplied to the contesting parties.

50. What is required in terms of the judgment delivered by the Apex Court in the case of Dr. (Smt.) Shipra (supra) would be an identical or a true copy of the original, but certainly not an absolute exact copy. The copy so supplied should eliminate all the possibilities of any misunderstanding in the minds of the other parties that it was not a true copy or that variation in supply of the copy from the original was calculated to mislead to any ordinary person. In this regard, even an affidavit which is required to be annexed, must be sworn in accordance with the Form-25 and Rule 94-A of the Conduct of Election Rules, 1961 and those affidavits should be duly sworn verifying diverse allegations of corrupt practices imputed to the returning candidate and it should be

attested by the prescribed authority. Such copies must be supplied to the other party so as to comply with the requirement of section 81(3) of the Act.

51 In the present case, the allegations of corrupt practices as levelled by the petitioner against the first respondent relates to the election speeches made by him and of which particulars have been given by the petitioner in paragraphs no. 4,5,6 of the election petition. The contents of the election speeches were covered by the office of the returning officer in this election under the directions of the Election Commission. On the request of the petitioner, certified copies of those speeches as recorded by the election office were supplied to the petitioner and a true copy thereof was supplied to the respondents along with the election petition. No case has been set up by the first respondent that the copies supplied to the first respondent was in position to create misunderstanding in the mind of the first respondent or anyone else that the copies of the cassettes which were supplied to the first respondent with respect to the speeches made by the first respondent in the three meetings were not the true copies of their original. No averment has been made that the copy of the cassettes which was supplied was not a true copy and was containing different version than what was supplied to the petitioner and what was filed along with the election petition.

52 On the other hand, the petitioner has submitted that the election petition as filed by the petitioner is in accordance with the legal requirement. To cover his case under Section 123 (4) of the Act he has relied upon the judgment delivered by the Apex Court in the case of Subhash Desai Vs. Sharad J. Rao, reported in AIR 1994 SC 2277. Petitioner has also relied upon another

judgment on the same issue delivered in the case of Harkirat Singh Vs. Amrinder Singh [(2005) 13 SCC 511].

53 As regards the burden of proof it has been submitted that once the initial burden is discharged the onus shifts on the other side. It is submitted that this question even otherwise becomes only academic if one goes through the entire evidence adduced. It has been submitted that the allegations are of personal nature even if they are indirect allegations, they can be co-related with the petitioner and can be reasonably calculated to prejudice the prospectus of the petitioner. He has relied upon the judgment delivered in the case of Sheopal Singh Vs. Ram Patap, reported in AIR 1965 SC 677. In this regard he has also relied upon the judgment delivered in the case of Kumara Nand Vs. Brijmohan Lal Sharma, reported in AIR 1967 SC 808, on this judgment the first respondent has also relied upon.

54 According to the petitioner once it is proved that corrupt practices were resorted to by the elected candidate then the election is required to be set aside as held by the Apex Court in the case of Das Rao Deshmukh Vs. Kamal Kishore [AIR 1996 SC 391].

55 At this stage, it is appropriate to take note of the relevant provisions of the Act. Those provisions read as under :

“81. Presentation of petitions.—(1) An election petition calling in question any election may be presented on one or more of the grounds specified in [sub-section (1)] of section 100 and section 101 to the [High Court] by any candidate at such election or any elector [within forty-five days from, but not earlier than the date of election of the returned candidate, or if there are more than one returned candidate at the election and the dates of their election are different, the later of those two dates].

Explanation.—In this sub-section, "elector" means a person who was entitled to vote at the election to which the election petition relates, whether he has voted at such election or not.

[* * *]

[3) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition [***], and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.]

183. Contents of petition.—(1) An election petition—

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908) for the verification of pleadings:

[Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.]

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.]

100. Grounds for declaring election to be void.—

(1) Subject to the provisions of sub-section (2) if [the High Court] is of opinion—

(a) that on the date of his election a returned candidate was not qualified, or was disqualified, to be chosen to fill the seat under the Constitution or this Act [or the Government of Union Territories Act, 1963 (20 of 1963)]; or

(b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent; or

(c) that any nomination has been improperly rejected; or

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected—

(i) by the improper acceptance or any nomination, or

(ii) by any corrupt practice committed in the interests of the returned candidate 1 [by an agent other than his election agent], or

(iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void, or

(iv) by any non-compliance with the provisions of the Constitution or of this Act or of any rules or orders made under this Act,

[the High Court] shall declare the election of the returned candidate to be void.]

[(2)] If in the opinion of 2 [the High Court], a returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice 4 *** but 2 [the High Court] is satisfied—

(a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders, and 5 [without the consent], of the candidate or his election agent;

[***]
(c) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt [***] practices at the election; and

(d) that in all other respects the election was free from any corrupt 7 *** practice on the part of the candidate or any of his agents, then 2 [the High Court] may decide that the election of the returned candidate is not void.

123. Corrupt practices.—The following shall be deemed to be corrupt practices for the purposes of this Act:—

(4) The publication by a candidate or his agent or by any other person 4 [with the consent of a candidate or his election agent], of any statement of fact which is false, and which he either believes to

be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal, [*] of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election."*

56 Now coming to the allegations of the first respondent that the petitioner did not plead basic material fact in the election petition i.e. (i) direction issued by the election commission (ii) who recorded alleged CD (iii) who kept CD after recording in whom custody, (iv) who prepared true copy of CD and on what authority and (v) who supplied certified CD and on what authority. The petitioner challenges entire speeches of the respondent in para 7 of the election petition, but neither pleaded not filed copy of the statement and therefore, election petition is liable to be dismissed in accordance with section 83 of the Act. He relies upon the following two judgments in this regard.

- 1) *Aahar Hussain Vs. Rajeev Gandhi*
[AIR 1986 SC 1253]
- 2) *U.S. Sasidharan Vs. K. Karunakaran*
[AIR 1990 SC 924]

57 What is required to be considered as contents of the petition are " (i) concise statement of the material facts on which the petitioner relies (ii) set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each of such practice.

58 In the case of *Aahar Hussain Vs. Rajeev Gandhi* (supra), relevant observations made by the Hon'ble Apex Court are in paragraph no. 14, reads as under :

14. Before we deal with these grounds *seriatim*, we consider it appropriate to restate the settled position of law as it emerges from the numerous decisions of this Court which have been cited before us in regard to the question as to what exactly is the content of the expression 'material facts and particulars', which the election petitioner shall incorporate in his petition by virtue of Section 83(1) of the Act.

(1) What are material facts and particulars?

Material facts are facts which if established would give the petitioner the relief asked for. The test required to be answered is whether the Court could have given a direct verdict in favour of the election petitioner in case the returned candidate had not appeared to oppose the election petition on the basis of the facts pleaded in the petition. [(1969) 3 SCR 217 : (AIR 1969 SC 734) - *Manubhai Nandal Amarsey v. Popatlal Manilal Joshi*].

(2) In regard to the alleged corrupt practice pertaining to the assistance obtained from a Government servant, the following facts are essential to clothe the petition with a cause of action which will call for an answer from the returned candidate and must therefore be pleaded : [(1972) 2 SCR 742: (AIR 1972 SC 515) - *Hardwari Lal v. Kanwal Singh*].

a) mode of assistance;
b) measure of assistance; and
c) all various forms of facts pertaining to the assistance.

(3) In the context of an allegation as regards procuring, obtaining abetting or attempting to obtain or procure the assistance of Government servants in election it is absolutely essential to plead the following :

(a) kind or form of assistance obtained or procured;
(b) in what manner the assistance was obtained or procured or attempted to be obtained or procured by the election candidate for promoting the prospects of his election. [AIR 1972 SC 515]

(4) The returned candidate must be told as to what assistance he was supposed to have sought, the type of assistance, the manner of assistance, the time of

assistance, the persons from whom the actual and specific assistance was procured [AIR 1972 SC 515].

(5) There must also be a statement in the election petition describing the manner in which the prospects of the election was furthered and the way in which the assistance was rendered. (AIR 1972 SC 515) (supra)

(6) The election petitioner must state with exactness the time of assistance, the manner of assistance, the persons from whom assistance was obtained or procured, the time and date of the same, all these will have to be set out in the particulars. (AIR 1972 SC 515) (supra).

59. In this case, I have already mentioned the averment made by the petitioner in his election petition pertaining to the allegation of corrupt practices. It is the case of the petitioner that the first respondent committed corrupt practices during the election by making and publishing false statements in several meetings including three meetings held at Hari Ki Chowki, Bajna Bus Stand and Mochipura where the first respondent made false statement in his speeches in relation to the personal character and conduct of the petitioner who was the candidate in the said election and which he knew and believed to be false and do not believe to be true thereby affecting the prospect of the petitioner adversely in that election.

60. The allegations are in paragraphs nos. 4, 5 & 6 of the election petition, which paragraphs have been noticed by me in paragraph no. 7 of the judgment in full. The petitioner has also relied upon the certified copy of the cassette supplied by the Returning Officer, who as per the directions of the Election Commission have recorded the speeches and it is from the video cassette which was kept in due course in the record of the returning officer. Certified copies were supplied which averment

is also available in paragraph no. 7 of the election petition which reads as under :

7. The Returning Officer, Ratlam and the District Election Officer, Ratlam got the public meetings of the candidates at the election video-recorded under the directions of the Election Commission. The petitioner, therefore, applied to the District Election Officer, Ratlam for certified copies of the video-recordings of the aforesaid meetings wherein the false statements against the character of the petitioner were made. The Returning Officer supplied 9 such CDs in which the speeches of the respondent no.1 at the election were recorded. These video-CDs bear out the contention of the petitioner that allegations were made against the character of the petitioner by the respondent no.1. A copy of the forwarding letter with which the video-CDs were supplied by the Returning Officer is annexed hereto and marked Annexure P-4. Copies of the 9 CDs received by the petitioner from the Returning Officer relate to all the public meetings addressed by the respondent no.1 and therefore, copies of only two CDs out of these 9 CDs, which contain the speeches of the respondent no.1 given in the aforesaid three public meetings relevant for this petition are annexed hereto and marked Annexure P-5 and P-6. Excerpts from these speeches have already been annexed to the petition as Annexure P-1, P-2 and P-3. The petitioner relies on the entire speeches of respondent no.1 contained in Annexure P-5 and P-6 and the excerpts given in this petition are only illustrative."

Stand on various dates, but when he appeared in witness box and cross-examined and was confronted with the cassettes, he admitted having made the statements in those meetings, in as much as, the cassettes which were played in the Court clearly showed that he was the first respondent who was making speeches of which extract was placed on record which was not denied, in as much as, no rebuttal has come to show that the speeches, which were made of which extract was placed on record, had not been made by the petitioner.

62. Coming to the second judgment delivered in the case of U.S. Sasidharan Vs. K. Karunakaran (supra), the documents which were sought to be relied upon by the petitioner for the purpose of proving his allegations of corrupt practices were not supplied to the respondents and it was in these circumstances, the Apex Court has considered it to be non-compliance of section 81(3) of the Act, which is not the case in hand. Relevant observations made by the Apex Court are in that case in paragraph no. 22.

22. It is clear from item no. 1 of the list of Documents that it is the specific case of the appellant that the video cassette was prepared at the instance of the first respondent for election propaganda, as stated in paragraph 5(xi) of the election petition. Whether it was so stated in item no. 1 of the List of Documents or not it is, as stated already, apparent on the face of the allegation in paragraph 5(xi) that it was used by the first respondent by way of assistance in furtherance of the prospects of his election and so the video cassette formed an integral part of paragraph 5(xi). Unless a copy of the video cassette was given to the first respondent, he would not know how the speeches of the said Government servants could assist the

furtherance of the prospects of his election and would not be in a position to deal with the allegations made in paragraph 5(xi). The copy of the election petition which was served on the first respondent without a copy of the video cassette was not, therefore, a true copy of the election petition within the meaning of S.81(3) of the Act.

63. However, in the case before me, copies of the cassettes which were prepared from the certified copies of the cassettes supplied to the petitioner by the election Officer has been supplied to the respondent along with the copy of the election petition. Moreover, original recording in this case by the Election Commission and certified copies thereof has been supplied in accordance with the Rules to the petitioner and as such, it cannot be said that material particulars which ought to have been mentioned in the election petition, were not mentioned. There is nothing to show that the cassettes supplied did not contain the speeches or that they were containing diverse material.

64. In so far as the allegation of the petitioner that the petitioner was also required to have specified about the direction issued by the election commission (ii) who recorded alleged CD (iii) who kept CD after recording in whom custody, (iv) who prepared true copy of CD and on what authority and (v) who supplied certified CD and on what authority, it may be observed that in paragraph no. 7 of the petition, the petitioner has very categorically answered to the query of the first respondent and makes it very clear as to how the cassette were prepared and who prepared the cassette and who supplied true copy thereof to the petitioner.

65 Another objections on behalf of the first respondent was that the affidavits filed as per the proviso of section 83, Rule 94-A of the Election Rules and form-25 is not proper, which is mandatory requirement as the affidavit is supposed to be integral part of the election petition filed by the petitioner. On this ground also the election petition is also liable to be dismissed. He also submits that even the verification of the election petition is not as per the section 83 (1)(c) of the R.P. Act and Order 6 Rule 15 (2) (iv) of the C.P.C. It is submitted that the verification of the election petition, affidavit filed in support of the election petition and affidavit in form-25 of the election rules are contradictory to each other.

66 The first respondent has also relied upon the following judgments.

P.A. Mohammad Riyas Vs. M.K. Raghavan
[AIR 2012 SC 2784]

Virendra Kumar Saklecha Vs. Jagjiwan
[AIR 1974 SC 1957]

R.P. Moidutty Vs. P. T. Kunju
[AIR 2000 SC 388]

V. Narayanswami Vs. C.P. Thirunavukkarasu
[AIR 2000 SC 694]

67 The allegations have been denied by the petitioner and has submitted that the affidavit was enclosed with the petition and it was in accordance with the requirement of Rule 94A and was in form-25.

68 Coming to the judgments cited by the petitioner, I find that in the case of *P.A. Mohammad Riyas* (supra) an effort was made on the part of the petitioner in that case to cure irregularity of non-verification by making an application under Order 6 Rule 17 of CPC. It was in these circumstances, the Apex Court felt that

the non-compliance of the mandatory provisions attract section 86 of the Act and the election petition itself would be rejected in accordance with section 86 of the Act.

69. Moreover, the affidavit filed along with the election petition was not in accordance with the Rule 94-A and in form -25 of the Conduct of the Election Rules, 1961 and an effort was made to correct the mistake by bringing an application for amendment. The relevant paragraphs are 4, 6, 21, 23 to 28.

4. During the hearing of the petition a question was raised with regard to the maintainability of the petition for want of a complete cause of action. After considering the submissions made on such ground, the High Court accepted the objection taken with regard to the maintainability of the Election Petition and dismissed the same.

6. On behalf of the Respondent No.1, a preliminary objection was raised at the time of hearing that the Election Petition was incomplete and was liable to be dismissed as it did not contain the requisite affidavit in Form 25, as required under the proviso to Section 83(1) of the 1951 Act read with Rule 94A of the Conduct of Election Rules, 1961. Mr. Venugopal contended that the trial of an Election Petition was a quasi-criminal proceeding which entailed that the statutory requirements for an Election Petition had to be strictly construed. Of course, it is also necessary to protect the purity and sobriety of elections by ensuring that the candidates did not secure vote by undue influence, fraud, communal propaganda, bribery or other corrupt practices, as mentioned in the 1951 Act. Mr. Venugopal submitted that the importance of Section 123(4) of the above Act lies in the fact that voters should not be misled at the time of casting of their votes by a vicious and defamatory campaign against candidates. Mr. Venugopal submitted that the common refrain in all these various decisions is that while the requirements of the election laws are strictly followed, at the same time, the purity of the election process had to be maintained at all costs.

21. Although, during the hearing of the Petition, a question was raised regarding the maintainability of the Petition for want of a complete cause of action and the same was

accepted by the High Court which dismissed the Election Petition, the learned single Judge of the High Court took the view that the Election Petition did not make out a complete cause of action as it was not in conformity with Form 25 annexed to the Rules.

70. As far as para -23 is concerned, it deals with the contents of section 83 of the Act and thus it is not required to be repeated.

However, para - 24 is relevant which is reproduced hereunder :

24. In the present case, although allegations as to corrupt practices alleged to have been employed by the Respondent had been mentioned in the body of the Petition, the Petition itself had not been verified in the manner specified in Order VI Rule 15 of the Code of Civil Procedure. Sub-section (4) of Section 123 of the 1951 Act defines "corrupt practice" and the publication of various statements against the Respondent which were not supported by affidavit, could not, therefore, have been taken into consideration by the High Court while considering the Election Petition. In the absence of proper verification, it has to be accepted that the Election Petition was incomplete as it did not contain a complete cause of action.

71. The court has discussed the question regarding curability of the defects in paragraphs no. 25 and 26.

25. Of course, it has been submitted and accepted that the defect was curable and such a proposition has been upheld in the various cases cited by Mr. Venugopal, beginning with the decision in Murarka Radhey Shyam Ram Kumar's case, (AIR 1964 SC 1545) (supra) and subsequently followed in F.A. Sapa's case, (AIR 1991 SC 1557 : 1991 AIR SCW 1492) (supra), Sardar Harcharan Singh Brar's case, (AIR 2005 SC 22 : 2004 AIR SCW 6205) (supra) and K.K. Ramachandran Master's case, (2010 AIR SCW 4583) (supra), referred to hereinbefore. In this context, we are unable to accept Mr. Venugopal's submission that despite the fact that the proviso to Section 83(1) of the 1951 Act provides that

where corrupt practices are alleged, the Election Petition shall also be accompanied by an affidavit in the prescribed form, it could not have been the intention of the legislature that two affidavits would be required, one under Order VI Rule 15(4) CPC and the other in Form 25. We are also unable to accept Mr. Venugopal's submission that even in a case where the proviso to Section 83(1) was attracted, a single affidavit would be sufficient to satisfy the requirements of both the provisions. Mr. Venugopal's submission that, in any event, since the Election Petition was based entirely on allegations of corrupt practices, filing of two affidavits in respect of the self-same matter, would render one of them redundant, is also not acceptable. As far as the decision in F.A. Sapa's case (*supra*) is concerned, it has been clearly indicated that the Petition, which did not strictly comply with the requirements of Section 86(1) of the 1951 Act, could not be said to be an Election Petition as contemplated in Section 81 and would attract dismissal under Section 86(1) of the 1951 Act. On the other hand, the failure to comply with the proviso to Section 83(1) of the Act rendered the Election Petition ineffective, as was held in Hardwari Lal's case (AIR 1972 SC 515) (*supra*) and the various other cases cited by Mr. P.P. Rao.

26. In our view, the objections taken by Mr. P.P. Rao must succeed, since in the absence of proper verification as contemplated in Section 83, it cannot be said that the cause of action was complete. The consequences of Section 86 of the 1951 Act come into play immediately in view of sub-section (1) which relates to trial of Election Petitions and provides that the High Court shall dismiss the Election Petition which does not comply with the provisions of Section 81 or Section 82 or Section 117 of the 1951 Act. Although, Section 83 has not been mentioned in sub-section (1) of Section 86, in the absence of proper verification, it must be held that the provisions of Section 81 had also not been fulfilled and the cause of action for the Election Petition remained incomplete. The Petitioner had the opportunity of curing the defect, but it chose not to do so.

72. In this case, the petitioner has annexed the affidavits in accordance with the format provided for under Rule 94-A of the Conduct of Election Rules. The said affidavit is in form-25. The affidavit reads as under :

Affidavit
(Under rule- 94A of Conduct of Elections Rules 1961)

I, Himmat Kothari S/o Nemichand Kothari, Resident of Ratlam, the petitioner the accompanying election petition calling in question the election of Shri Parasmal Saklecha Resident of Ratlam (Respondent No.1 in the said petition) makes solemn oath and say—

a) that the statements made in paragraphs 4 to 6 of the said petition about the commission of corrupt practice of false allegation which is covered under section 123 (4) of the Representation of People Act, 1951 and particulars of such corrupt practices given in paragraphs 4 to 6 of the said petition are true to my information.

Place: Jabalpur

Date: 19.01.2009.

Signature of Deponent

Solemnly affirm by Pet. Himmat Kothari at Jabalpur,
this day 19, Jan 2009

Before me
Notary/Commissioner of Oath

19.1.09, 1:30 PM
Himmat Kothari, S/o Nemichand
Kothari, Ratlam, Distt. Ratlam

Narendra Shrivastava
Advocate/Notary
674, HANUMANTAL
JABALPUR
19 JAN 2009

73 The form-25 as prescribed under the Conduct of Election Rules, 1961 for filing such affidavit provides the affidavit to be in the following format.

[FORM 25
(See rule 94A)

AFFIDAVIT

I,the petitioner in the accompanying election petition calling in question the election of Shri/Shrimati.....(respondent No.....in the said petition) make solemn affirmation/oath and say—

(a) that the statements made in paragraphs.....of the accompanying election petition about the commission of the corrupt practice of*.....and the particulars of such corrupt practice mentioned in paragraphs.....of the same petition and in paragraphs.....of the Schedule annexed thereto are true to my knowledge;

(b) that the statements made in paragraphs.....of the said petition about the commission of the corrupt practice of*.....and the particulars of such corrupt practice given in paragraphs.....of the said petition and in paragraphs.....of the Schedule annexed thereto are true to my information;

(c)

(d)

etc.

Signature of deponent.

Solemnly affirmed/sworn by Shri/Shrimati.....at.....this.....day of.....20.....

Before me, Magistrate of the first class/
Notary/Commissioner of Oaths.]

*Here specify the name of the corrupt practice.

74. I may also refer to the judgment cited by the petitioner in rebuttal i.e. the judgment delivered in the case of Subhash Desai Vs. Sharad J. Rao reported in AIR 1994 SC 2277.

Paragraphs no. 12 and 13 of this judgment are relevant which are reproduced hereunder for the sake of reference.

12. From the perusal of the election petition, it shall appear that respondent has stated about the corrupt practices alleged to have been committed by the appellant in Paragraphs 47 to 52. It has been alleged that the appellant was a candidate of Shiv Sena, and had the support of B.J.P. and Vishwa Hindu Parishad at the election in question. He has stated about the atmosphere created, because of the Ayodhya and Babri Masjid dispute. Then statement has been made regarding putting up of boards in different places in the constituency in question, requesting the voters to vote in the interest of Hindus and to show the traitors their place. Then the details of the celebration on 14-2-1990 at the aforesaid Sankalpasiddhi Ganesh Mandir, where the respondent is alleged to have come to receive Prasad with his workers, have been stated. Thereafter respondent has stated about publication in "Samana" the next day, 15-2-1990, relevant part whereof has been quoted above. Lastly, about the public meeting, held at Shivaji Park on 24-2-1990, which was attended by the appellant and other candidates of Shiv Sena - B.J.P. alliance, where Bal Thackeray reiterated that the said alliance was contesting election in the name of Hindu religion, has been stated.

13. The scope of Section 83(l) has been recently examined in the case of F. A. Sapa V. Singora, (1991) 3 SCC 375: (1991) AIR SCW 1492, where it was pointed out that the underlying idea in requiring the election petition to set out in a concise manner all the 'material facts' as well as the 'full particulars', where the complaint is in respect of commission of corrupt practice is

'delineate the scope, ambit and limits of the Inquiry at the trial by the election petition'. In the present case, the allegations made in the election petition, may be true or false but it is not possible to hold that the election petition does not disclose any material fact or give the material particulars of any of the corrupt practices. It need not be pointed out that even if the Court is satisfied that, in respect of one of the corrupt practices alleged, material facts and full particulars thereof have not been stated, still the election petition cannot be dismissed. If in respect of another corrupt practice the material facts and full particulars have been stated in accordance with the requirement of Section 83(l) of the Act.

75. Paragraphs 29 and 30 of this judgment are also relevant which are reproduced hereunder for the sake of reference

26. The charge of the corrupt practice being quasi criminal in nature had to be proved to the satisfaction of the Court by the election petitioner-respondent. In the present case, the controversy can be; (i) whether the appellant published the statement of fact referred to above in the issue of "Samana" on 15-2-1990; (ii) whether that statement of fact was false; (iii) whether appellant either believed it to be false or did not believe it to be true. So far the other ingredients of subsection (4) of Section 123 i.e. (1) whether it relates to the personal character or conduct of the appellant; (ii) whether such statement was reasonably calculated to prejudice the prospect of the election of the appellant, according to us, there should not be much controversy, because in view of allegation that the appellant along with his workers, during Mahaprasad celebration of Sankalpasiddhi Ganesh Mandir created ugly scene with repeated shouting of 'Allah Ho Akbar' along with a Muslim criminal; it will amount to a statement relating to the personal character and conduct of the appellant, and in the atmosphere prevailing during the election, it was calculated to prejudicially affect the prospect of the election of the appellant. As such it has only to be examined as to whether the respondent has been able to prove (i) that the statement of fact, regarding the Mahaprasad ceremony of Sankalpasiddhi had been published by the appellant or his agent or any person with his consent; (ii) that such publication was false, because no such incident had taken place; (iii) that the appellant published it, believing it to be false or not believing it to be true. The onus of proving the ingredients of sub-section (4) of Section 123 is on the respondent, who alleged the Commission of the corrupt practice under said sub-section.

29. In the written statement he admitted the fact that he had published the News Item in question, submitted to him by his News Reporter, but in the evidence he has taken a stand, saying that he had seen that News Item before publication in hurry and could not read the same fully and had asked the Reporter, namely, Sanjay Dahale, to verify whether it was true and then to print it. In the written statement he categorically denied that the report published in the newspaper "Samana" on 15-2-1990, was a false report. In other words, he took a stand that what was published was a correct statement of fact; In evidence he never asserted that the publication regarding respondent's going to the temple with his workers and creating ugly scene was not false or at least he believed it to be true. He simply pleaded Ignorance about the alleged report and publication regarding the respondent's going to the said temple with his workers. There is no suggestion given on behalf of the appellant to the respondent or to his witnesses, who had challenged the correctness and had asserted the falsity of the report published in "Samana" on 15-2-1990, that the News Item published was correct and not false. So far the burden of proving to the satisfaction of the Court that the publisher thereof believed to be false or believed not to be true, was on the respondent being the election petitioner. But, in the facts and circumstances of the present case, according to us, once the respondent asserted and stated on oath that the statement of fact published in the "Samana" was false and the said statement had been published by the appellant, knowing it to be false or believing not to be true, it will be deemed that the respondent has discharged the initial onus which rests on him. Then the onus shifts to the other side i.e. to the appellant. In the case of Kumara Nand v. Brijmohan Lal Sharma, (1967) 2 SCR 127: (AIR 1967 SC 808), it was pointed out that the onus to prove the charge of a corrupt practice under Section 123(4) was on the election petitioner, but the onus on him to prove that the maker of the statement believed it to be false or believed it not to be true is very light and can be discharged by complaining candidate swearing to that effect; once that is done the burden shifts to the candidate making false statement of fact to show what was his belief, Wanchoo, J. (as he then was) speaking for the Court said (at p. 813, Para. 18 of AIR):-

"..... But though the onus is on the election petitioner to show all these things, the main things that the election petitioner has to prove are that such a publication was made of a statement of fact and that that statement is false and is with respect to the personal character or

conduct of the election petitioner. The burden of proving that the candidate publishing the statement believed it to be false or did not believe it to be true though on the complaining candidate is very light and would be discharged by the complaining candidate swearing to that effect. Thereafter it would be for the candidate publishing the statement to prove otherwise."

Recently in the case of Gadakh Yashwantrao Kankarao v. E. V. alias Balasaheb Vikhe Patil, (1993) 6 JT (SC) 345: (1994 AIR SCW 1), it was pointed out that it is very difficult for the election petitioner to prove by any direct evidence that the person, who is alleged to have made a false statement or published the same, believed it to be false or believed it to be not true, because belief of the maker is related to the state of mind of the maker which can be found to have been established only on basis of the surrounding circumstances and the materials on the record. When a charge has been levelled that while publishing the statement of fact which was false, the appellant either believed it to be false or did not believe it to be true, he should have come out with the justification for publishing such a News Item. In the instant case, no justification has been given by the appellant, except what has already been mentioned above, that the News Item was shown to him by the Reporter while he was in hurry and he told him to print and publish the same after verifying the correctness thereof. This statement in his evidence runs counter to or is at variance with the statement made by him in his written statement, admitting that he had published that News Item, submitted to him by his News Reporter. He also denied that the said News Report was false, meaning thereby that it was a correct report. But, at the stage of evidence, neither the appellant has asserted nor any witness on his behalf has come forward to state before the Court that any such incident, as mentioned in the News Item, had, actually happened. In such a situation, the irresistible conclusion is that the respondent has been able to establish that the publication by the appellant of the statement of the fact regarding his personal conduct at the Sankalpasiddhi Ganesh Mandir was not only false, but the appellant believed it to be false or did not believe it to be true. In view of the serious nature of the allegations published, it was not even urged before us that they do not relate to the personal character or conduct of the appellant or that such publication was not reasonably calculated to prejudice the prospect of the election of the respondent. Once it is proved that the aforesaid News Item was published by the appellant and it

was false and the appellant believed it to be false or did not believe it to be true; then certainly it related to the personal character or conduct of the respondent, calculated to prejudice his prospects at election. Because of that publication, the appellant has not only committed a corrupt practice under Section 123(4) but also under sub-section (3A) of Section 123. By publishing the News Item, he shall be deemed to have promoted feeling of enmity and hatred between different classes of citizens on ground of religion for the furtherance of his prospects at the election and for prejudicially affecting the prospects of the election of the respondent.

30. We are in agreement with the finding of the High Court that on the materials on record the charge of corrupt practices under sub-section (3A) and sub-section (4) of Section 123, has been established against the appellant, vitiating his election to the Legislative Assembly. In view of the finding aforesaid, we do not consider it necessary to examine as to whether corrupt practice under sub-section (3) of Section 123 of the Act, has also been established.

76. In this case, I have already discussed allegations made by the petitioner alleging corrupt practices committed by the first respondent specifically in paragraphs – 4,5, & 6 of the election petition has explained as to how he has come to know about the allegations in para-7 as relied upon. The certified copy of the speeches made by the first respondent during the election campaign has not only supplied to him by the election office, but also supplied a true copy of the cassettes to the first respondent, despite that no specific denial was made by the first respondent rather his denial was evasive. He was not willing to specifically state as to whether allegations were made by him or not ?. He has also not stated, whether the allegations were true or false or that he believes them to be false or true ?. In fact, his conduct even during the proceedings when the evidence was recorded and the cassettes was played where he was confronted with the speeches which were being played before the Court, he again had evasive reply to some portion of the speeches which he accepted and some

portion which he denied. Again no rebuttal was given by the first respondent to say that there was any manipulation in the cassettes or that the cassettes which were prepared by the election commission were not the correct do not contain correct version of the speeches made by the first respondent in three meetings held by him of which reference were made in paragraphs – 4,5, 6 of the election petition.

77. On perusal of the two affidavits i.e. affidavit filed by the petitioner and the form do not show that the affidavits filed by the election petitioner was not in accordance with the Rule 94-A of the Act and form -25.

78. I have also gone through the other judgments. For the reasons stated above, I do not find those judgments are of help to the case of the first respondent.

79. In view of the aforesaid judgment as discussed above, I have no hesitation to hold that the objections even with respect to the affidavits filed along with the petition by the petitioner being not in format calls to the ground. Accordingly, *the issue nos. 1 & 3 are decided in favour of the petitioner and against the first respondent.*

Issue no. 4 :

80. Now coming to the issue no. 4, it is the objection of the first respondent that the petitioner has not been able to establish that the first respondent was guilty of committing corrupt practices in this case. What is the corrupt practices, has been defined in section 123(4) of the Act, which provision has

been noted by me in paragraph no. 53 of this judgment.

81 Relevant issue is whether the first respondent made allegations about the personal character and reputation of the petitioner ? which had affected the election prospect of the petitioner adversely and what was the fact available with the petitioner for pleading those ingredients in the election petition from the averment ?. In paragraphs no. 4,5,6 & 7 of the election petition, it is apparent and clear that the allegations made by the petitioner against the first respondent regarding commission of corrupt practices pertains to his speeches in the election campaign and in particular, about three meetings held at Mochipura, Hat ki Chowki and Bajna Bus Stand on particular dates as mentioned in paragraphs no. 4,5 & 6. Further the election petition clarifies that on what basis, the averments were made. The averments have been made by the petitioner on the basis of the information received by him from his supporter and from the certified copies of the election speeches, which had been recorded by the returning officer in terms of the directions of the Election Commission. No evidence has come on record from the side of the first respondent that the Election Commission had not given any such directions, rather, from the statement made by the witnesses laid on behalf of the petitioner establishes that recording of the election speeches was in accordance with the directions given by the Election Commission to Returning Officers. Copy of the guidelines have also been placed on record by one of the witness appeared on behalf of the petitioner.

82 However as per the first respondent, the basic ingredients of Section 123 (4) of the Act are not pleaded in paragraphs, 4, 5 and 6. It is also not pleaded as to what were the

source of information of alleged speeches as such, the election petition is liable to be dismissed even on that ground in the light of Section 83 and Section 123 (4) of the Act. Reference has been made on following judgments: -

AIR 2000 SC 3026

AIR 1994 SC 1733

AIR 1966 SC 773

83 It is also submitted that the onus to prove the corrupt practices as stated in the election petition was on the petitioner as per the law laid down by the Apex Court. Reliance has been placed on the following judgments:

AIR 2011 SC 906

AIR 2010 SC 965

AIR 1985 SC 89

AIR 1981 SC 8

AIR 1966 SC 773

AIR 1994 SC 1733

84 On behalf of the petitioner, it has been submitted that the petitioner has specifically pleaded the corrupt practices committed by the first respondent in paragraph nos. 4,5, & 6 of the election petition. He also relied upon the certified copy of the coverage of the meetings by the election officer who supplied the said copy to the petitioner on his application. He has examined himself as also the other witness. It is submitted that the evidence so laid establishes that the first respondent made speeches in the election meetings held at the three places namely Mochipura, Hat ki chowki and Bajna Bus Stand and made allegations against the petitioner in these three meetings as specified by the petitioner in paragraphs no. 4,5 & 6 of the election petition. No evidence has been laid on behalf of the first respondent that the allegations made in these meetings were not made against the petitioner or that the allegations were true, or that he did not believe them to be false. It is thus contended that by making speeches as aforesaid

which were covered by the Election Commission and certificate whereof were supplied to the petitioner, of which he placed on record by the petitioner and of which, true copies have been supplied to the respondent.

85 It is also submitted by the first respondent that the onus to prove the corrupt practices as stated in the election petition was on the petitioner as per the law laid down by the Apex Court. Reliance has been placed on the following judgments:

- AIR 2011 SC 906
- AIR 2010 SC 965
- AIR 1985 SC 89
- AIR 1981 SC 8
- AIR 1966 SC 773
- AIR 1994 SC 1733

86 It is also submitted that there is no evidence which may establish that even if there was any corrupt practices resorted to by the first respondent, it has prejudiced the prospectus of the petitioner in this election. Moreover as per the statement made by PW-1 in paragraphs 10, 11, 23 to 27 and 30 he was fully aware of the allegation made in these speeches by others also prior to the election and therefore, it cannot be said that any corrupt practices has been resorted to by the first respondent which may fall within the meaning of Section 123 (4) of the Act. Reference is made to AIR 2011 SC 906.

87 The first respondent has relied upon the judgments delivered in the case of Ravinder Singh Vs. Janmeja Singh reported in AIR 2000 SC 3026. In that case the allegations were that the returning candidate published false statements about character -/ conduct of the petitioner which the returning candidate knew were false and did not believe them to be true, the

Apex Court examined the allegation of corrupt practices however in that case, the allegations of corrupt practices about the bribery were not supported with the affidavit in the prescribed format which is not the case in hand. Accordingly, the said judgment does not help to the case of the first respondent.

88. The second judgment relied upon by the first respondent is the judgment delivered in the case of Quamarul Islam Vs. S.K. Kanta reported in AIR 1994 SC 1733. In this case also, the election petition was suffering from absence of full facts and particulars of the alleged corrupt practices. Objection was raised at a later stage after parties had gone to trial and evidence led. At this stage, effort was made by the petitioner of that case to cure the defects by filing a second affidavit. Paragraphs – 41 & 43 are relevant which are reproduced hereunder for the sake of reference.

41. Even if the application of the appellant, IA III, seeking dismissal of the election petition may be held to have been rightly rejected on the ground that after the parties had gone to trial, despite the absence of full facts and particulars of the alleged corrupt practice and had led evidence, an election petition is not liable to be thereafter dismissed for those defects only but in such cases, the evidence that is required to prove the allegations of corrupt practices in an election petition has to be more strictly scrutinised, lest the evidence, which in a way travels beyond the pleadings, is accepted without proper analysis.

43. We shall first deal with the allegations with regard to the commission of corrupt practice under Section 123(4) of the Act which are contained in ground No. 10 of the petition and extracted in an earlier part of this judgment. A careful perusal of the allegation shows that it is not even asserted by the election petitioner, that the statement alleged to have been made by the returned candidate on 1-11-1989 about the non-signing of the passport forms was false to the knowledge of the returned candidate or that he made it without believing that statement to be true. There was, thus, no allegation whatsoever which satisfied the basic requirements of Section

123(4) of the Act. It was not even alleged by the election petitioner that the returned candidate made a statement of fact which was false to his knowledge or which he did not believe to be true and in the absence of any such averment in the election petition and the affidavit filed in support thereof, the trial court should not even have framed an issue relating to the said corrupt practice. Even in the evidence, it was not deposed by the election petitioner that the statement allegedly made by the returned candidate as contained in the said paragraph was false to the knowledge of the returned candidate or/ and was made by him without believing it to be true. The learned trial judge, therefore, fell in error in holding that the returned candidate was guilty of committing the corrupt practice as envisaged by Section 123(4) of the Act and in fairness to learned counsel for the election petitioner (respondent 1) we must record that he also did not support the finding of the High Court as regards the commission of corrupt practice under Section 123(4) of the Act and we accordingly set aside that finding. The evidence of Shri Subhash Chandra Khutija, PW 2, who was the Deputy Commissioner of Gulbarga District on 27-10-1989 or of Shri Ramarao Patil, PW 3, who took charge of the Corporation Commissioner of Gulbarga on 6th of June 1988 and handed over the said charge on 15-6-1990 and was the returning Officer in the election held during 1989 relates to other issues which have been found against the election petitioner and with which we are strictly speaking not concerned, as their correctness has not been assailed before us.

89 However, the ratio of that judgment is not applicable to the facts of this case, in as much as not only that the allegations of corrupt practices relied upon by the petitioner in support of his case have been specifically pleaded in para - 4,5, & 6 of the election petition, they have also been supported with the evidence laid on behalf of the petitioner. The affidavit has also been filed in support of the election petition.

90 Coming to the last judgment on the issue relied upon by the petitioner i.e. Dr. Jagjeet Singh, Vs. Giani Kartar Singh reported in AIR 1966 SC 773, I find that this judgment is of no help to the case of the first respondent.

91 The petitioner has relied upon the judgment delivered in the case of Sheopal Singh Vs. Ram Pratap reported in AIR 1965 SC 677. Relevant paragraphs are 5 & 6 which are reproduced hereunder for the sake of reference.

5. An election is the expression of a popular will. It shall be so conducted that the popular will shall be reflected on the basis of the policy of the party which the candidate represents and on his merits. That object cannot be achieved unless freedom of speech is assured at the election and the merits and demerits of a candidate, personal as well as political, are prominently brought to the notice of the voters in the constituency. At the same time it shall not be allowed to degenerate into a vilification campaign aimed at bringing down the personal character or conduct etc. of the candidates without any basis whatsoever. The sub-section is designed to achieve this dual purpose, namely, freedom of speech and prevention of malicious attack on personal character or conduct etc. of rivals. The purity of an election is sought to be maintained without affecting the freedom of expression. The sub-section prohibits any statement of fact in relation to personal character or conduct of any candidate, which is not only false but also the candidate making it either believes it to be false or does not believe it to be true. It implies that a statement of fact relating to the personal character or conduct etc. of a candidate can be made, if it is true. Even if it is false, the candidate making it is protected, unless he makes it believing it to be false or not believing it to be true, that is to say statements which are not true made bona fide are also outside the ambit of the provision. To be within the mischief of sub-s. (4) of S. 123 of the Act such a statement shall satisfy another test, namely, it shall be a statement reasonably calculated to prejudice the prospects of the election of the candidate against whom it is made. The word "calculated" means designed : it denotes more than mere likelihood and imports a design to affect voters. It connotes a subjective element, though the actual effect of the statement on the electoral mind reflected in the result may afford a basis to ascertain whether the said statement was reasonably calculated to achieve that effect. The emphasis is on the calculated effect, not on the actual result, though the latter proves

the former. But what is important to notice is that it is not necessary to establish by positive evidence that the voters, with the knowledge of the contents of the statement, were deflected from voting for the candidate against whom the statement was made.

6. As considerable stress is laid upon the burden of proof, reference may be made to the judgment of this Court in *T. K. Gangi Reddy v. M. C. Anjaneya Reddy*, 22 Ele. LR 261 at p. 268 (SC). In that case, dealing with the question of burden of proof, this Court observed :

"The burden of proof has two distinct meanings, viz., (i) the burden of proof as a matter of law and pleading, and (ii) the burden of proof as a matter of adducing evidence.....

..... The first remains constant and the second shifts."

The burden of proof as a matter of law and as a matter of adducing evidence is on the respondent, who seeks to get the election set aside, to establish corrupt practice; but, if he adduces sufficient evidence, as in this case we are satisfied he has, the burden of adducing evidence shifts on to the appellant. That apart when the entire evidence has been adduced in the case the question of burden of proof becomes merely academical. In this case the High Court considered the relevant evidence and came to the conclusion that the respondent has proved his case. No error has been committed by the High Court in this regard.

92. As stated above, the petitioner as PW-1 when came in the witness box, has very specifically stated that the allegations were made by the first respondent against him in the election speeches to defame him. They were about his conduct and corruption. He reiterated those allegations in paragraphs 4,5,6 of the election petition. He also relied upon the certified copy of the cassettes prepared in the official course of business by the returning officer of which certified copy was supplied to him on his request. Copy thereof was supplied to the first respondent. The first respondent inspected the record, yet the respondent while filing reply did not think it appropriate to reply to those allegations. He has also not come forward to say that the

statement relied upon by the petitioner were not made by him in as much as in his cross-examination, he admits that the speeches of which transcription was also placed on record contains portion of the speeches made by him and other portion was not part of the speeches made by him. No evidence has been laid by the first respondent to distinguish two parts of the speeches. Accordingly, it cannot be said that the petitioner has not been able to prove the allegations of corrupt practices against the first respondent to be more specific. In this regard, since the allegations were not made by him, who were indirect allegations, it will be appropriate to take note of the judgments delivered by the Apex Court in the case of Kumara Nand Vs. Brijmohan Lal Sharma reported in AIR 1967 SC 808. Indirect allegations were made. The court in such circumstances has held that this was also a corrupt practice under section 123(4) of the Act. Para- 17 & 19 of that judgment are relevant which are reproduced hereunder.

17. This takes us to the next point, namely, that it should have been proved that Avinash Chander who recited the poem at the meeting believed the statement to be false or did not believe it to be true and that on this point Avinash Chander was not even questioned though he appeared as a witness. The High Court has held that the belief of Avinash Chander is immaterial, and that it is the belief of the appellant that matters. We are of opinion that this view of the High Court is correct.

Section 123 (4) runs thus:-

* * * * *

"(4) The publication by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospect" of that candidate's election.

* * * * *

The sub-section requires: (i) publication of

any statement of fact by a candidate, (ii) that fact is false, (iii) the candidate believes it to be false or does not believe it to be true, (iv) the statement is in relation to the personal character or conduct of another candidate; and (v) the said statement is one being reasonably calculated to prejudice the prospect" of the other candidate's election: (see *Sheopal Singh v. Ram Pratap* 1965-1 SCR 175: (AIR 1965 SC 677)). This case thus clearly lays down that the person with whose belief the provision is concerned is ordinarily the candidate who, if we may say so, is responsible for the publication. The responsibility of the candidate for the publication arises if he publishes the thing himself. He is equally responsible for the publication if it is published by his agent. Thirdly he is also responsible where the thing is published by any other person but with the consent of the candidate or his election agent. In all three cases the responsibility is of the candidate and it is ordinarily the candidate's belief that matters for this purpose. If the candidate either believes the statement to be false or does not believe it to be true, he would be responsible under S. 123 (4). In the present case the poem was not actually read by the appellant, but it was read in his presence at a meeting at which he was presiding by Avinash Chander. In these circumstances the "High Court was right in coming to the conclusion that the recitation of the poem by Avinash Chander at the meeting amounted to the publication of the false statement of fact contained in it by another person with the consent of the candidate, and in this case, even of his election agent who was also present at the meeting. But the responsibility for such publications in the circumstances of this case is of the candidate and it is the candidate's belief that matters and not the belief of the person who actually read it with the consent of the candidate. What would be the positions in a case where the candidate had no knowledge at all of the publication before it was made need not be considered for that is not so here. It is not disputed in this case that the statement that the respondent was the greatest of all thieves, was false. It is also not seriously challenged that the appellant did not believe it to be true. The contention that Avinash Chander's belief should have been proved must therefore fall.

18. Then we come to the question of onus. In this connection reliance is placed on

Dr. Jagjit Singh v. Giant Kartar Singh, AIR 1966 SC 773. In that case it was held that the onus to prove the essential ingredients prescribed by sub-s. (4) of S. 123 of the Act is on him who alleges publication of false statement of fact. The election petitioner has to prove that the impugned statement has been published by the candidate or his agent, or is by any other person, with the consent of the candidate or his election agent. He has further to show that the impugned statement of fact is false and that the candidate either believed that statement to be false or did not believe it to be true. It has further to be proved inter alia that the statement was in relation to the personal character or conduct of the complaining candidate. Finally it has to be shown that the publication was reasonably calculated to prejudice the prospects of the complaining candidate's election. But though the onus is on the election petitioner to show all these things, the main things that the election petitioner has to prove are that such a publication was made of a statement of fact and that that statement is false and is with respect to the personal character or conduct of the election petitioner. The burden of proving that the candidate publishing the statement believed it to be false or did not believe it to be true though on the complaining candidate is very light and would be discharged by the complaining candidate swearing to that effect. Thereafter it would be for the candidate publishing the statement to prove otherwise. The question whether the statement was reasonably calculated to prejudice the prospects of the election of the candidate against whom it was made would generally be a matter of inference. So the main onus on an election petitioner under S. 123 (4) is to show that a statement of fact was published by a candidate or his agent or by any other person with the consent of the candidate or his election agent and also to show that that statement was false and related to his personal character or conduct. Once that is proved and the complaining candidate has sworn as above indicated, the burden shifts to the candidate making the false statement of fact to show what his belief was. The further question as to prejudice to the prospects of election is generally a matter of inference to be arrived at by the tribunal on the facts and circumstances of each case.

19. In the present case the main onus that lay on the respondent has been

discharged. He has proved that there was a publication of the nature envisaged under S. 123 (4) of the Act. He has also proved that the statement of fact was made with respect to him. He has further proved that that statement was false and related to his personal character or conduct. There can be no doubt that a statement of this nature calling one candidate a thief or the greatest of all thieves is reasonably calculated to prejudice the prospects of his election. He further swore that the statement was false to the knowledge of the appellant and the latter did not believe it to be true. It was then for the appellant to show what his belief was. The burden having thus shifted we are of opinion that it was for the appellant to show either that the statement was true or that he believed it to be true. The appellant has failed to do. The High Court therefore rightly held that the respondent had discharged the burden which lay on him.

93 Perusal of para.18 of the aforesaid judgment shows that when returned candidate resorts to corrupt practices and makes false allegation against the personal character of candidate in the election who is the defeated candidate even though such allegations are made indirectly, they are reasonably calculated to prejudice the prospects of the election of the candidate against whom it was made would generally be a matter of inference. Thus , the issue no. 4 also stands decided in favour of the petitioner and against the first respondent. It is held that the respondent no. 1 is guilty of committing corrupt practices as discussed above.

Issue no. 5 :

94 Now the question which arises for consideration is as to whether by resorting to corrupt practices as found to have been committed by the first respondent, the prospect of the election of the petitioner was affected adversely so as to declared the election of the first respondent void on the ground of corrupt practices ?

To understand the legal position, it is necessary to reproduce the section 100 of the Act which deals with the effect of commission of corrupt practices and also makes rider. The said section reads as under :

100. Grounds for declaring election to be void.—

[(1) Subject to the provisions of sub-section (2) if 3 [the High Court] is of opinion—

(a) that on the date of his election a returned candidate was not qualified, or was disqualified, to be chosen to fill the seat under the Constitution or this Act 9 [or the Government of Union Territories Act, 1963, 20 (1) 1963)]; or

(b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent; or

(c) that any nomination has been improperly rejected; or

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected—

(i) by the improper acceptance of any nomination, or

(ii) by any corrupt practice committed in the interests of the returned candidate 1 [by an agent other than his election agent], or

(iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void, or

(iv) by any non-compliance with the provisions of the Constitution or of this Act or of any rules or orders made under this Act,

[the High Court] shall declare the election of the returned candidate to be void.]

[(2)] If in the opinion of 2 [the High Court], a returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice 4 *** but 2 [the High Court] is satisfied—

(a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to

the orders, and 5 [without the consent], of the candidate or his election agent;

[* * *]

(c) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt [***] practices at the election; and

(d) that in all other respects the election was free from any corrupt 7 *** practice on the part of the candidate or any of his agents, then 2 [the High Court] may decide that the election of the returned candidate is not void.

95. In the present case, the petitioner in his deposition has very specifically stated that in the three election meetings where the returning candidate made false statement qua the personal reputation and conduct of the petitioner alleging the corruption charges against him. The prospect of the petitioner was adversely affected as two other witnesses have also supported the case. The relevant statement made by the petitioner is reproduced hereunder:

8— मैं जब गृह मंत्री था जब पुलिस विभाग के लिये 2900 डंडे केन खरीदे गये थे। इस खरीदी के लिये गृह मंत्री की कोई भूमिका नहीं होती न भुगतान में उसका कोई योगदान होता है। ऐसी खरीदिया अधिकारियों के द्वारा या बड़ी खरीदी होने पर अधिकारियों की समिति द्वारा खरीदी जाती है। मेरी जानकारी के अनुसार एक डंडा 39 रुपये 47 पैसे की दर से खरीदा गया था। पारस साकलेचा जी ने इस संबंध में मिथ्या व असत्य बात कही। वस्तुतः पुलिस विभाग के लिये न तो 8 लाख डंडे खरीदे गये और न 460 की दर से खरीदे गये। बैंगलोर में मेरा या मेरे परिवार का न होटल है न कोई व्यवसाय न तो कोई होटल है न कोई जमीन है। यह कहना गलत है व मिथ्या है कि मेरे या मेरे परिवार ने बाब्बे में बोरीवली से भयंदर के बीच तीन सौ करोड़ का सौदा किया है। मेरा या मेरे परिवार ली कभी ऐसी कोई प्लानिंग नहीं रही की बम्बई में हमारे द्वारा कोई भी कालोनी विकसित की जावे। श्री पारस साकलेचा ने आम समाजों में मेरे उपर गलत व मिथ्या आरोप लगाये जिसका उददेश्य मतदाताओं को भ्रमित

करना एवं मेरी छवि को गूमिल करना एवं मेरी जीत की संभावनाओं पर प्रतिकूल प्रभाव लालना था । इन्होंने मेरे व्यक्तिशील एवं आचारण के संबंध में जो मिथ्या और झूठे आरोप लगाये वे चर्चा का विषय बन गये और हजारों की संख्या में लोग संकलेचा जी की सभा में जाने लगे और चोराहे पर और घरों में मेरी चर्चा होने लगी जिसके कारण मेरी छवि एक भ्रष्ट व्यक्ति की बनने लगी जिसके कारण मेरे चुनाव की संभावनाओं पर प्रतिकूल प्रभाव पड़ा ।

10— जब मैं इंदौर का प्रभारी मंत्री था तब दिनांक 24-3-2007 को जिला योजना समिति की बैठक हुई थी उसमें सांसद प्रतिनिधि श्री लारिक खान ने यह बात उठाई थी कि चार लाख रुप्य का दाना और दो सौ टेंकर पानी का व्यय लीया गया है उसके बावजूद भी मोर मर रहे हैं इसमें भारी भ्राताचार हुआ है तब मैंने चीफ कंजरवेटर आफ फारेस्ट को आदेश दिये थे कि इसकी जांच की जाये । उन्होंने इस हेतु दो राजपत्रित अधिकारियों को जांच के लिये नियुक्त किया था । उन्होंने जांच करके लिया कि भ्रष्ट दृष्ट्या एक रेजर एक उप वनमंडल अधिकारी एवं एक वन लेखापाल इसके लिये दोषी प्रतीत होते हैं । इस पर मैंने तिस्तृत जांच कर कार्यवाही करने के आदेश दिये थे । मोरों के लिये उपरोक्त दाना पानी को घ्यवस्था में ऐसी कोई भूमिका नहीं थी बल्कि यह विभाग के अधिकारियों द्वारा व्यवस्था की गई थी । मोरों के दाना पानी के लिये 17 करोड़ और 8 करोड़ के बजट का पानी का प्रावधान नहीं रहा पूरे प्रदेश में इस हेतु इतना बड़े बजट का प्रावधान नहीं है । 17 करोड़ का दाना और 8 करोड़ के बजट का पानी का प्रावधान नहीं रहा पूरे प्रदेश में इस हेतु इतना बड़े बजट का प्रावधान नहीं है । 17 करोड़ का दाना और 8 करोड़ का पानी में मेरे भ्रष्टाचार की बात गलत थी जो गताताताओं को भ्रगित करने के लिये की गई थी । पारस संकलेचा ने जानबूझकर मेरे खिलाफ यह असत्य आरोप मतदाताओं को मेरे विलद्ध प्रभावित करने के लिये लगाये थे । श्री संकलेचा ने इन आरोपों के सबूद में किसी विभाग से कोई जानकारी प्राप्त नहीं की । मेरी जानकारी के अनुसार आम्लेपित समयावधि में वन विभाग ने मोरों के दाने पर 1 लाख 81 हजार एवं पानी पर 1 लाख रुप्य खर्च किये थे ।

16— बीसीजी प्रदर्श पी-2 प्रदर्श पी-3 में जो व्यक्ति भाषण दे रहा है, उसे मैं व्यक्तिगत रूप से पहचानता हूँ और उसकी

आयाज भी पहचानता हूं। वह श्री पारस सखलेचा हैं जो निर्दलीय उम्मीदवार के रूप में चुनाव लड़े थे। प्रदर्श पी-2 व पी-3 की वीसीडी में जो आरोप लगाये गये हैं, वह मेरे ही विरुद्ध लगाये गये हैं। श्री पारस सखलेचा जी यह जानते थे कि वे जो आरोप लगा रहे हैं, वे असत्य व बेबुनियाद हैं। परन्तु फिर भी उन्होंने जानबूझकर मेरी चुनाव संभावनाओं पर प्रतिकूल प्रभाव डालने के लिए झूठे आरोप लगाये। चुनाव के पूर्व श्री सखलेचा जी था अन्य किसी भी व्यक्ति ने इस प्रकार के आरोप मुझ पर नहीं लगाये थे। इसका उद्देश्य मेरे चुनाव की संभावनाओं को प्रतिकूल प्रभावित करना और लोगों को भ्रित करके मेरी छवि धूमिल करने का था। इसका प्रभाव यह हुआ कि लोगों में मेरी छवि खराब हड्डी और लोग उनकी सभाओं में अधिक जाने लगे और मेरे द्वारा में लोग दरों में व सार्वजनिक स्थान पर चर्चा करने लगे इससे भ्रित होकर लोगों ने मेरे विरुद्ध वोट डाले।

96 Similar statement has been made by Harishankar Kumawat, PW-2. Relevant paragraphs of his deposition read as under:—

2— मैं श्री पारस सकलेचा की चुनावी सभा दिनांक 16 नवंबर 2008 को बाजना बसस्टेड पर सुनने गया था। इस सभा में पारस सकलेचा और देवीलालजी ने भाषण दिया था। मैं श्री देवीलाल के आमंत्रण पर सभा में भाषण सुनने गया था। यह सभा रात्रि 8 से 9—45 तक चली थी। इस सभा में श्री पारस सकलेचा ने श्री हिम्मत कोठारी पर भ्रष्टाचार का खुला आरोप लगाया था। उन्होंने यह आरोप लगाया था कि श्री हिम्मत कोठारी ने 40 रुपये का डंडा 460 रुपये में खरीद कर 32 करोड़ का ग्रष्टाचार किया। उन्होंने यह भी कहा कि श्री हिम्मत कोठारी ने 2 करोड़ की बन्दूकें 16 करोड़ रुपये में खरीदी और 14 करोड़ रुपये का ग्रष्टाचार किया। उन्होंने यह भी कहा कि जब श्री हिम्मत कोठारी वन संत्री थे तब वे इंदौर के प्रभारी थे तथा उन्होंने मोरों के दाना—पानी में करोड़ों का ग्रष्टाचार किया।

3— श्री सकलेचा जी ने मशाल जलाई थी और कहा कि मशाल जलती रहेगी व चिंगारी बुझ जायेगी। श्री सकलेचा जी ने और भी बहुत से आरोप लगाये थे जिन्हे सुनकर मुझ आश्चर्य हुआ।

और मुझे धक्का लगा। श्री हिम्मत कोठारी ईमानदार व्यक्ति हैं परन्तु श्री पारस सकलेचा के आरोप से हमारे विश्वास को धक्का लगा। श्री पारस सकलेचा ने कहा कि हिम्मत कोठारी की 35 साल की गुलामी से 27 नवंबर को रत्नाम की जनता को आजादी मिल जायेगी। मैं पारस सकलेचा को शकल से पहचानता हूँ। वे इस समय न्यायालय में उपस्थित हैं।

4— मैंने इस संबंध में बांजना बस रेटेण्ड पर व पान की व चाय की दुकान पर जहां मेरी बेठक है चर्चायें सूनी थीं कि हम लोग श्री हिम्मत कोठारी पर इतने सालों से उनकी ईमानदारी पर विश्वास करते थे तथा पारस सकलेचा आंकड़ों सहित उन पर आरोप लगा रहे हैं। इसपर लोग गमित हुए।

5— श्री हिम्मत कोठारी जब जनसंपर्क के लिए मोहल्ले में आये तो हमने उन्हें इन आरोपों के बारे में बताया था तो उन्होंने कहा कि यह झूठी बात है उन्होंने यह भी कहा कि इन बातों को ध्यान रखना। इस चुनाव में श्री पारस सकलेचा विजयी हुए।

Statement made by this Court in cross-examination is also relevant, which reads as under :

21— मैं सभा में 7 बजे शाम को पहुँचा तथा लागभग 10.30 तक सभा मे था। तीन-चार लोगों ने उस सभा में भाषण दिये थे किन्तु मुझे चन्दूलाल व्यास व देवीलाल का नाम ध्यान में है। मुझे यह पता नहीं है कि राभा की अध्यक्षता किसने की। मंच का मूह पूर्व की तरफ था। मंच पर 10-12 से अधिक लोग थे। करीब 20-25 हजार लोग भाषण सुनने आये हुए थे।

97 I have already discussed the judgment i.e. Subhash Desai (supra) relied upon by the petitioner on this issue. That judgment dealt with the effect on the election prospect of the petitioner where allegations are made to the personal character and conduct which calculated to the prejudice of the prospect of the candidate. It has been said that in such circumstances, no evidence is not required. Para - 23 of that judgment is reproduced

hereunder for the sake of reference.

23. If the publication is held to be false and it is established that it was the appellant who published the same believing it to be false or not believing it to be true, then for the other two ingredients, relating to personal character or conduct and that it was calculated to prejudice the prospects of the election of the respondent, not much evidence is required. During the election tempo, because of the serious nature of charge levelled against the respondent, in respect of his conduct, the effect of the said publication on his election prospects can be easily assumed. It cannot be disputed that the publication aforesaid must have prejudicially affected the election prospect of the respondent, because he is alleged to have entered with his workers, dancing and shouting 'Allah Ho Akbar', during a solemn religious ceremony of Mahaprasad of Sankalpasiddhi Ganesh Mandir. This publication has direct reflection on the character and conduct of the respondent, at whose instance a pandemonium was created in the temple of Sankalpasiddhi Ganesh, during Mahaprasad ceremony.

98. In this case, the allegations made against the petitioner were of corruption. It is a matter of common knowledge that when such allegations are made against the person who is contesting the election, electoral is bound to influence by such allegations if those allegations are false, then certainly it will prejudice the prospect of the candidate against whom such allegations are made.

99. Another judgment cited by the petitioner in this regard was the judgment delivered in the case of S.N. Balakrishna (supra). Relevant paragraph no. 25 reads as under :

25. Pausing here, we may view a little more closely the provisions bearing upon corrupt practices in Sec. 100. There are many kinds of corrupt practices. They are defined later in Section 123 of the Act and we shall come to them later. But the corrupt practices are viewed separately according as to who commits them.

The first class consists of corrupt practices committed by the candidate or his election agent or any other person with the consent of the candidate or his election agent. These, if established, avoid the election without any further condition being fulfilled. Then there is the corrupt practice committed by an agent other than an election agent. Here an additional fact has to be proved that the result of the election was materially affected. We may attempt to put the same matter in easily understandable language. The petitioner may prove a corrupt practice by the candidate himself or his election agent or someone with the consent of the candidate or his election agent, in which case he need not establish what the result of the election would have been without the corrupt practice. The expression "any other person" in this part will include an agent other than an election agent. This is clear from a special provision later in the Section about an agent other than an election agent. The law then is this: If the petitioner does not prove a corrupt practice by the candidate or his election agent or another person with the consent of the returned candidate or his election agent but relies on a corrupt practice committed by an agent other than an election agent, he must additionally prove how the corrupt practice affected the result of the poll. Unless he proves the consent to the commission of the corrupt practice on the part of the candidate or his election agent he must face this additional burden. The definition of agent in this context is to be taken from Section 123 (Explanation) where it is provided that an agent "includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate." In this explanation the mention of "an election agent" would appear to be unnecessary because an election agent is the alter ego of the candidate in the scheme of the Act and his acts are the acts of the candidate, consent or no consent on the part of the candidate.

100 As discussed above, in the present case, the allegations made by the petitioner are directly against the first respondent. He has established that the allegations were not only false, but the first respondent knew them to be false and did not believe them to be true. In this regard, as discussed there is nothing in rebuttal to

contradict the deposition of the petitioner.

101 In the case of Kumara Nand (supra) which has been discussed by me above, it has been held that when the false allegations are made against the personal character of petitioner, who comes to witness box, then it would be a matter of inference and it has to be presumed that those allegations causes prejudice against the petitioner.

102 Thus issue no 5 is also decided in favour of the petitioner against the first respondent.

103 In view of the findings returned by me with respect to issue nos 1 to 4 & 5, I hold that the returned candidate namely Parasmal Sakalecha, the first respondent who has been elected from 220 Ratlam City - General Assembly Constituency in the general election held in the year 2008 in the State of M.P. was guilty of corrupt practices as alleged by the petitioner against him and mentioned in paragraphs no. 4, 5, & 6 of the election petition. It is proved that the said respondent committed at the election corrupt practices as mentioned in paragraph nos. 4, 5 & 6 of the election petition, in as much as the petitioner has been successful in establishing that by making speeches during the election campaign at the three places namely Mochipura, Bajna Bus Stand and Hat Ki Chowki wherein the first respondent made and published false statements in relation to personal character and conduct of the petitioner who was a candidate in the said election, which the first respondent namely Parasmal Sakalecha knew and believed to be false and did not believe to be true thereby affected the prospect of the petitioner adversely in that election.

104 With the aforesaid observations, present petition filed by petitioner Himmat Kothari is allowed and , the election of the first respondent Parasmal Sakalecha from 220-Ratlam City - General Assembly Constituency held in the year 2008 is declared void. The first respondent is also held to pay a sum of Rs.20,000/- as cost to the petitioner

A copy of this order be sent to the Speaker of the M.P. State Assembly as well as the State Election Commission of the State of M.P for his information and for taking other steps as may be necessary in this regard.


(M.C. GARG)
Judge, Election Tribunal

विधि और विधायी (निर्वाचन) कार्य विभाग

भोपाल, दिनांक 8 अगस्त 2013

फा.क्र. 20-वि.निर्वा.-2009-4-444.—भारत निर्वाचन आयोग की अधिसूचना क्रमांक 82-MP-LA-(20-2009)-2013, दिनांक 29 जुलाई 2013 सर्वसाधारण की जानकारी के लिए प्रकाशित की जाती है।

जयदीप गोविन्द, प्रमुख सचिव

भारत निर्वाचन आयोग

निर्वाचन सदन, अशोक रोड, नई दिल्ली—110 001

नई दिल्ली, दिनांक 29 जुलाई 2013—7 श्रावण, 1935 (शक)

आदेश

सं. 82-म.प्र.-वि.स.- (20-2009)-2013.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, भारत निर्वाचन आयोग द्वारा नवम्बर, 2008 में आयोजित मध्यप्रदेश विधान सभा के लिए 91-बदवार विधान सभा निर्वाचन क्षेत्र से श्री मोती कश्यप के निर्वाचन को चुनौती देते हुए, श्री राम लाल कोल द्वारा दायर की गई वर्ष 2009 की याचिका संख्या 20 (श्री राम लाल कोल, याचिकाकर्ता बनाम श्री मोती कश्यप) के मामले में मध्यप्रदेश उच्च न्यायालय, जबलपुर का दिनांक 10 अप्रैल 2013 के निर्णय/आदेश एतद्वारा प्रकाशित करता है।

आदेश से,
हस्ता./—
(बर्नाड जॉन)
सचिव,
भारत निर्वाचन आयोग।

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110 001

New Delhi, Dated 29th July, 2013— 7 Shravana, 1935 (SAKA)

NOTIFICATION

No. 82-MP-LA-(20-2009)-2013.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission of India hereby publishes the judgement/order of the High Court of Madhya Pradesh of Jabalpur Bench dated 10th April 2013 in Election Petition No. 20/2009 filed by Shri Ram Lal Kol Challenging the election of Shri Moti Kashyap to the Madhya Pradesh Legislative Assembly from 91-Badwara Legislative Assembly Constituency.

By Order,
Sd./—
(BERNARD JOHN)
Secretary,
Election Commission of India.

HIGH COURT OF MADHYA PRADESH : JABALPUR**Election Petition No.20/2009**

Ramlal Kol, son of Ramsharan Kol,
aged about 36 years, resident of
village Hirwara, Tahsil Mudwara,
Distt. Katni

...Petitioner

Versus

Moti Kashyap @ Motilal, son of Late Mewalal,
resident of 1220, Durga Chowk, Phootatal,
Ravindra Ward, P.O. Gurundi Bazar,
Jabalpur

...Respondent

Shri Arvind Shrivastava, Advocate for petitioner.

Shri G.S. Baghel, Advocate for respondent.

Date of Hearing : 10.1.2013

Date of Judgment : 10.4.2013

JUDGMENT

In this petition, election of the returned candidate viz. the respondent to Badwara Legislative Assembly Constituency No.91 has been called in question, on the grounds mentioned in clause (a) and sub-clause (i) of clause (d) of sub-section (1) of Section 100 of Representation of the People Act, 1951 (hereinafter referred to as 'the Act').

2. Following facts are not in dispute –

(i) In Part VIII of the Constitution (Scheduled Tribes) Order, 1950, *Majhi* was shown at Serial No.29 as one of the Scheduled Tribes in relation to the erstwhile State of Madhya Pradesh and by virtue of Entry 9 to the Schedule to the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956, *Majhi* was recognized as a Scheduled Tribe in the

State of Vindhya Pradesh which, ultimately, became part of a new State of Madhya Pradesh formed by the State Reorganisation Act, 1956. However, it was with effect from 27th July 1977, that *Majhi* was notified, under the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act 1976, as a Scheduled Tribe throughout the new State.

(ii) In the years 1980, 1985, 1990, 1993 and 2003, the respondent contested the election to Panagar Legislative Assembly Constituency as a member of *Majhi* [wrongly spelt as *Manjhi* in the pleadings] Scheduled Tribe and was also declared elected to the Legislative Assembly in the elections held in 1990, 1993 and 2003.

(iii) In the Assembly Election of 2008, the Badwara Constituency was notified as reserved for Scheduled Tribes. Along with his nomination paper, the respondent had submitted a caste certificate dated 11.6.1993 (Ex.D-7), said to have been issued by the Tahsildar, Jabalpur, showing that he belonged to *Majhi* Scheduled Tribe.

(iv) A similar petition, registered as Election Petition No.4/94, laying challenge to the validity of respondent's election to Panagar Legislative Assembly Constituency No.193 in the year 1993, was filed by his nearest rival namely Shankar Arakh. It was dismissed, vide order-dated 4.7.1995 passed by a co-ordinate Bench of this Court, as having abated.

3. According to the petitioner, the election deserves to be declared as void simply because the respondent was not having requisite qualification within the meaning of Section 5(a) of the Act, for being chosen to the seat, that was reserved for the Scheduled Tribes of Madhya Pradesh. Alleging categorically that the caste certificate submitted by the respondent in support of his candidature was a fake and fabricated document, he has further pleaded that result of the election was materially affected by an improper acceptance of the nomination. To substantiate the charge, he has averred that –

- (i) Respondent belongs to *Dheemar* caste, which is notified as an Other Backward Class (OBC) in the State of Madhya Pradesh.
- (ii) During the period from 29.5.53 to 30.4.60, the respondent had studied in Kasturchand Hitkarni Sabha Bahu Uddeshiya Uchchatar Madhyamik Shala, Jabalpur and in the School Record, his caste was written as *Dheemar*.
- (iii) On 22.12.1993, Education Department of Municipal Corporation, Jabalpur had issued a copy of the Transfer Certificate reflecting that caste of the respondent was *Dheemar*.
- (iv) Deeptibala, the daughter of respondent and a student of Bengali Kanya Higher Secondary School Marhatal, Jabalpur, received scholarship from the Tribal Welfare Department as member of an OBC only.
- (v) In the record of the Municipal Corporation, name of the respondent, the owner of a house,

located in Phootatal Ward, Jabalpur, has been mentioned as Motilal, son of Mewalal Kashyap and the surname viz. *Kashyap* is one of the surnames commonly used by members of *Dheemar* caste.

(vi) The caste certificate dated 11.6.1993 said to have been issued by the Tahsildar, Jabalpur is apparently a fake and fabricated document for the reason that it does not bear any case number.

(vii) By way of the Order No.F-21-6/25-5/92 dated 29.8.1992, *Majhi* was deleted from the list of socially and economically backward classes in relation to the State of M.P. Taking an undue advantage of the situation, members of *Dheemar* caste, who were using surnames like Raikwar, Batham, Nishad, Mallah, Kashyap etc., started claiming themselves to be members of *Majhi* Scheduled Tribe. A Writ Petition filed by Radhavallabh Choudhary in the nature of Public Interest Litigation and numbered as M.P. No.4639/1989, was dismissed by a Division Bench of this Court, vide order-dated 25.9.1990, holding that Kewat, Mallah, Dhimar, Nishad, Bholi and Kahar etc. were not included in the Scheduled Tribe *Majhi*.

In his written statement, the respondent, while specifically denying petitioner's averments as to his caste, asserted that he belongs to *Majhi* caste, recognized as scheduled Tribe of the State and, therefore, was eligible qualified to contest the election. In support of the contention, he has set out the following particulars -

- (i) Being a *Majhi*, he has been contesting Assembly Elections since 1980 from the seats reserved for Scheduled Tribes of the State.
- (ii) His surname *Kashyap* does not denote his caste and has been adopted by members of several other castes.
- (iii) Initially, on 1.5.1948, showing his caste to be *Majhi*, he was admitted to Class 1 in the Government Primary School (Boys), Phootatal, Jabalpur, where he had studied up to 16.12.1948. His caste was not recorded as *Dheemar* in Kasturchand Hitkarini Sabha Bahu-uddeshiya Uchchatar Madhyamik Shala, Jabalpur also.
- (iv) His daughter Deepitala also pursued her studies at M.B. Bengali Higher Secondary School, Jabalpur as a member of *Majhi* Tribe. The document reflecting that she had obtained scholarship meant for an OBC student, is not a genuine one.
- (v) Scrutiny of his nomination paper was conducted by the Returning Officer in accordance with the summary procedure prescribed under Section 36 of the Act. Amongst the objectors to his nomination, Rajesh Nayak, who had also withdrawn his objection, and Vishnu Bajpai were not present at the time of scrutiny whereas Balwan Singh and Suresh Kol had submitted their objections after the scrutiny was over. In such a situation, his nomination paper supported by the caste certificate-dated 11.6.1993 issued by the competent authority, that was valid and still in force, was rightly accepted.

5. In addition to these factual aspects of the matter, the respondent has also raised the legal plea to the effect that the election petition is liable to be dismissed -

- (a) for want of compliance with the statutorily mandatory provisions of Section 81(a) and Section 83(1)(a) of the Act inasmuch as the un-amended petition did not disclose petitioner's elector number and particulars of relevant part of the electoral roll and the corresponding amendment, though permitted to be incorporated, was barred by limitation and
- (b) simply because genuineness of the caste certificate cannot be examined under the provisions of the Act.

6. On the basis of the pleadings, the following issues have been framed. The respective finding is noted against each one of them -

No.	Issues	Finding
1	Whether the caste certificate submitted by the respondent in support of his nomination form was a forged document ?	Yes
2	Whether the respondent, who was not entitled to contest the election from 91, Badwara Constituency, is a member of Scheduled Tribe namely Majhi ?	No
3	Whether the election, in so far it concerns the respondent, has been materially affected by the improper acceptance of his nomination ?	Yes
4	Whether this Court has no jurisdiction to examine genuineness of the caste certificate ?	No

5	Whether the petition is liable to be dismissed for want of compliance with the mandatory provisions of the Act ?	No
6	Relief and Costs ?	Petition allowed with no order as to costs.

REASONS FOR THE FINDINGS

ISSUE NO.5

7. Placing reliance on the following precedents -

- (i) **Hardwari Lal v. Kanwal Singh AIR 1972 SC 515**
- (ii) **Manphul Singh v. Surinder Singh AIR 1973 SC 2158**

-- learned counsel for the respondent has submitted that the petition deserves dismissal due to non-compliance with the mandatory provision of Section 83(1)(a) of the Act, requiring the petition to state all the material facts. According to him, since omission of a single material fact tends to an incomplete cause of action, absence of electoral number and other relevant details in the petition was sufficient to dismiss the same and the defect was not curable after expiry of the period prescribed for filing an election petition. However, this aspect of the matter has already been dealt with while considering the amendment application moved by the petitioner. Relevant part of the order-dated 6.10.2009, whereby the petitioner was permitted to incorporate his electoral number etc. may be reproduced as under -

"... the fact of the matter is that in the Para 1 of the election petition, the petitioner has already averred that he was an elector. The criteria for distinguishing material facts from material particulars has been explained in a series of decisions including the one rendered in ***Shri Udhav Singh v. Madhav Rao Scindia (1977) 1 SCC 511.*** Accordingly, it can safely be concluded that, by way of the proposed amendment, only material particulars relating to the petitioner's identity as an elector named in the electoral rolls prepared for the Assembly as well as corresponding Parliamentary Assembly have been sought to be included.

However, taking into consideration the legislative mandate contained in Section 86(7) of the Representation of the People Act, 1951 and the fact that the amendment has been proposed in light of the objection raised by the respondent in his application (I.A. No.75/2009), under Order VII Rule 11 and Order VI Rule 6 of the Code of Civil Procedure read with 86(1) of the Act, the I.A. No.81/2009 is allowed subject to payment of cost of Rs.200/-.

Necessary amendment be carried out within a period of 3 days from today."

8. Thereafter, this Court, by way of the order-dated 25.1.2010, also proceeded to dismiss the respondent's application, under Order VII Rule 11 of the Code of Civil Procedure, wherein the following contraventions of procedural requirements were highlighted –

(i) Copy of the election petition furnished to him contained names of 18 other respondents.

(ii) The copy of the election petition, which was served upon him, was not properly attested as required under Section 81(3) of the Act.

(iii) The verification of the pleadings was not in conformity with the requirements of Order VI Rule 15 of the Code of Civil Procedure.

9. Since correctness of the order-dated 6.10.2009 (above) was not challenged by the respondent, it has already attained finality. As such, he cannot be permitted to raise the issue. This apart, the Special Leave Petition preferred against the order-dated 25.1.2010 (supra) wherein note of the amendment to incorporate the voter number and part number of the voter list was also taken, has already been dismissed by the Apex Court vide order-dated 26.2.2010 passed in SLP(Civil) No.5068/2010.

10. For the reasons assigned in the both the orders i.e. 6.10.2009 and 25.1.2010, the Issue No.5 is answered in the negative.

ISSUE NO.4

11. Making reference to the decision of the Supreme Court in Kumari Madhuri Patil v. Addl. Commr., Tribal Development (1994) 6 SCC 241, learned counsel for the respondent has contended that the genuineness of the caste certificate can only be examined by the State Level Scrutiny Committee and therefore, the same cannot form subject matter of an election petition. However, the contention is apparently misconceived for the reason that an election petition is intended to bring into focus any illegality attached to an election. Dealing with this aspect of the matter, in Satrucharla Vijaya Rama Raju v.

Nimmaka Jaya Raju AIR 2006 SC 543, the Supreme Court has made the under-mentioned illuminating observations -

"An election petition under Section 80 of the Representation of the People Act, 1951 cannot be held to lead to an adjudication which declares, defines or otherwise determines the status of a person or a jural relation of that person to the world generally. It is merely an adjudication of a statutory challenge on the question whether the election of the successful candidate is liable to be voided on any of the grounds available under Section 100 of the Representation of the People Act, 1951. It is not an action for establishing the status of a person.

... The purpose of reservation of constituencies is to ensure representation in the legislatures to such tribes and castes, who are deemed to require special efforts for their upliftment. The person seeking election from such constituencies must be the true representative of that tribe".

12. In this view of the matter, scrutiny as to authenticity of the caste certificate furnished by the returned candidate before the Returning Officer is not beyond scope of an election dispute. The issue no.4 is, accordingly, answered in the negative.

ISSUE NOS.1 AND 2

13. Stating emphatically that the respondent is a *Dheemar* by caste and does not belong to *Majhi* Tribe and that the caste certificate in question was not issued by Tahsildar, the petitioner Ramlal (PW1) has proposed to rely on certain documents, filed by Shankar Arakh (since dead)

in support of his petition (Election Petition No.4/1994), calling in question respondent's election to Panagar Legislative Assembly Constituency No.193 held on 27th of November, 1993. These documents are –

- (i) Certified copy of the Transfer Certificate (Ex.P-1) said to have been issued by Education Department of Municipal Corporation upon leaving the school on 11.4.1952 wherein the respondent was shown as *Dheemar* by caste.
- (ii) Certified copy of the entry of Tax Assessment Register (Ex.P-2), reflecting that as owner of the House No.1219/A, name of the respondent was shown as Motilal, son of Mewalal Kashyap.
- (iii) The certificate (Ex.P-3) given by Tahsildar (Nazul) to the effect that the caste certificate-dated 11.6.1993 (Ex.D-7) was not issued by any court concerning Nazul.

14. Learned counsel for the respondent has strenuously contended that the documents (Ex.P-1C to P-3C), being photocopies, are not admissible in evidence. However, as rightly pointed out by learned counsel for the petitioner, he was not in a position to obtain certified copies as none of the documents could be exhibited in evidence in Shankar Arakh's case. According to him, the photocopies can easily be compared with the originals forming part of the record of the Election Petition No.4/1994.

15. In order to support the assertion that the caste certificate is not a genuine document, the petitioner has also examined –

(a) P.K. Sen Gupta (PW4) who came forward to depose, on the basis of record of case no.441/13/12/9-10, registered upon an application for an enquiry into the authenticity of the certificate, that amongst the Readers of the Revenue Courts, two had informed that the corresponding case was not found registered whereas another Reader had intimated that even the register was not available.

(b) Deepak Kumar (PW5), working as Head Copyist in the Collectorate, who clearly stated that the advance deposited in connection with application, presented by Ayodhya Prasad, Advocate for copy of the respondent's caste certificate dated 11.6.1993 said to have been issued in Case No.2956/93 had to be returned as the related case was not found deposited in the Record Room.

(c) Satish Namdeo (PW2), a practising Advocate, who categorically affirmed that the certificate (Ex.P-3) indicating that the caste certificate dated 11.6.1993 was not issued by any Nazul Court was obtained by him only by filing an application on 15.12.1993 as per instructions given by his client Late Shankar Arakh.

(d) Vishnu Vajpayee (PW6), an Advocate by profession, who testified that he had raised objection to nomination form submitted by the respondent before the Returning Officer on the ground that the

Caste Certificate and School Transfer Certificate filed therewith were forged and fabricated documents.

(e) Chandrakant Singh (PW3), an Assistant Commissioner in the Tribal Welfare Department, who testified that record corresponding to grant of scholarship to Deoptibala has already been eliminated in accordance with the relevant rules.

16. Satish Namdeo has further deposed that upon instructions given by his client Late Shankar Arakh, he has also obtained a certificate (Ex.P-4) from Tribal Welfare Department to the effect that in the year 1988-89, Deoptibala had received scholarship as an OBC student.

17. Even though Vishnu Vajpayee (PW6) has clearly deposed that Ravi, the son of co-brother of the respondent, has been able to secure job in a Bank as member of an OBC yet, in absence of corresponding evidence, his statement does not assume any significance. Nevertheless, the other evidence brought on record by the petitioner was sufficient to cast a doubt as to the veracity of the caste certificate relied upon by the respondent.

18. Law regarding burden of proof in an election petition based on any disqualification of the returned candidate as on date of nomination is well settled. There are other such decisions, but the following two will suffice -

(i) **Punit Rai v. Dinesh Chaudhary (2003) 8 SCC 204**, which concerned disqualification as to the caste.

(ii) Sushil Kumar v. Rakesh Kumar (2003)

SCC 673, which related to disqualification as the age.

19. In Punit Rai's case, while considering the effect Section 106 and illustration (g) appended to Section 114 the Evidence Act, it was observed that adverse inference has to be drawn if evidence regarding fact especially with the knowledge of any person, is not produced by such person. As elucidated further in Sushil Kumar's case,

"It is no doubt true that the burden of proof to show that a candidate who was disqualified as on the date of the nomination would be on the election petitioner.

It is also true that the initial burden of proof that nomination paper of an elected candidate has wrongly been accepted is on the election petitioner.

In terms of Section 103 of the Indian Evidence Act, however, the burden of proof as to any particular fact lies on that person who wishes the court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person.

*Furthermore, in relation to certain matters, the fact being within the special knowledge of the respondent, the burden to prove the same would be on him in terms of Section 106 of the Indian Evidence Act. However, the question as to whether the burden to prove a particular matter is on the plaintiff or the defendant would depend upon the nature of the dispute. (See *Orissa Mining Corpn. v. Ananda Chandra Prusty AIR 1997 SC 2274*)".*

However, a note of caution was also sounded in the following terms –

"The election Tribunal while determining an issue of this nature has to bear in mind that Article 173(b) of the Constitution of India provides for a disqualification. A person cannot be permitted to occupy an office for which he is disqualified under the Constitution. The endeavour of the court shall therefore should be to see that a disqualified person should not hold the office but should not at the same time, unseat a person qualified therefor. The court is required to proceed cautiously in the matter and, thus, while seeing that an election of the representative of the people is not set aside on flimsy grounds but would also have a duty to see that the constitutional mandate is fulfilled".

20. Items of evidence adduced by the respondent which seem to have bearing on the question may be appreciated under the following heads -

SURNAME

21. No serious dispute has been raised as to the statement made by the respondent Moti Kashyap (DW1) that surname *Kashyap* is common to various castes. To bring home the point, he has also examined Prashant Kashyap (DW2) and Rakesh Kumar Kashyap (DW3), who belong to Lodhi and Kushwaha caste respectively and exhibited the magazine *Kushwaha Vikas* (Ex.D-4) wherein name of Rakesh figures with his photograph. All this evidence is sufficient to establish that surname *Kashyap*, by itself, cannot give rise to presumption that the respondent belongs to a caste other than *Majhi*.

REPORT OF CENSUS OF INDIA, 1901

22. The report (Ex.D-6) authored by R.V. Russell, I.C.S., the then Superintendent of Census Operations, and sought to be exhibited by calling Jai Shahdadpuri (DW4), the Assistant Director, contains reference to *Manjhi* as a caste at Sl. No.626 included Dhimar of Balaghat, Raipur, Bilaspur, Bastar and Kewat in Sakti. It only indicated that *Manjhi* (not *Majhi*) was one of the castes of Central Provinces, classified for the purpose of census.

INSTITUTIONAL RECORD AND CERTIFICATES OTHER THAN THE CASTE CERTIFICATE IN QUESTION

23. While denying that he is a *Dheemar* by caste, the respondent (DW1) has made reference to –

- (a) Copy of the School Leaving Certificate (Ex.D-3), said to have been issued by the Head Master, Govt. Primary School, Phootatal on 16.12.1948.
- (b) Copy of Scheduled Tribe Certificate (Ex.D-1) issued by the Naib Tahsildar/Executive Magistrate dated 26.9.1989 and
- (c) Copy of order-sheet-dated 12.8.1998 (Ex.D-2) scribed by the then Naib Tahsildar, Jabalpur in Case No.18519/B/21/97-98 reflecting that upon the application moved by him, a temporary certificate indicating his caste as *Majhi* was issued on the basis of earlier caste certificate and the Revenue Records for the years 1977-78 and 1978-79, showing his caste as *Majhi*.

24. Copy of the certificate (Ex.D-3) only shows that it was issued on 30.12.2007 by the then Head of the institution, whose evidence was utmost essential not only to prove that in the aforesaid certificate, respondent's caste was wrongly spelt as *Manjhi* [which as per the Census Report (Ex.D-6) includes *Dheemar* also] in place of *Majhi* but also to disprove contents of the School Leaving Certificate (copy of which was brought on record as Ex.P-1) suggesting that in the school record, his caste was mentioned as *Dheemar*. It is relevant to note that in both the documents (Ex.P-1 and D-3), date of birth of the respondent was written as 1.4.1940 only. In Madhuri Patil's case (*ibid*), the Supreme Court observed that caste is reflected in relevant entries in the public records or school or college admission register at the relevant time and certificates are issued on its basis. In this view of the matter, non-examination of the official concerned to prove authenticity of the contents of the certificate (Ex.D-3) is sufficient to draw an adverse inference under illustration (g) of Section 114 of the Evidence Act.

25. Copy of the certificate (Ex.D-1) reflecting that the respondent is a member of *Majhi* Tribe could not be a proof of his caste and as indicated already, contents of the order-sheet 12.8.1998 (Ex.D-2) clearly discloses that the temporary caste certificate was issued on the basis of the Revenue Record as well as earlier caste certificate-dated 11.6.1993 *viz.* the certificate in question. Still, the fact that the revenue records pertaining to the years 1977-78 and 1978-79 were produced in support of the application was suggestive of the inference that it was only after the year

1976 (*in which by virtue of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976, 'Majhi' was recognized as a Scheduled Tribe in respect of the whole State of Madhya Pradesh*) that the respondent had started claiming status of a member belonging to Majhi Scheduled Tribe.

26. For these reasons, I am inclined to hold that the respondent has not been able to produce any authentic document to show that he belongs to *Majhi* Scheduled Tribe.

CASTE CERTIFICATE

27. S.D. Dwivedi (DW6), who remained posted as Tahsildar, Jabalpur during the period from 29.2.1992 to 3.7.1993, has not accepted the suggestion that the caste certificate-dated 11.6.1993 (Ex.D-7) was issued by him only. As per his statement, he is not able to say with certainty that the initials on the certificate above the seal of Tahsildar, Jabalpur were put by him. After being declared hostile, he was cross-examined at length by learned counsel for the respondent but nothing favourable could be elicited. He categorically denied the suggestion that the caste certificates were being issued even without registration of corresponding cases. According to him, as per the prescribed procedure, any case based on application for issuance of caste certificate had to be registered in Revenue Register No.B-121. Besides this, he has clearly admitted that in the light of the guidelines issued by the State Government by way of Circular No.F-7-1/1/191 dated

20th of February, 1991, the Authority issuing caste certificate was required to –

- (a) indicate his full name, date of issuance and the despatch number.
- (b) preserve the record of the case.

It also came in his evidence that no officer other than him was posted as Tahsildar, Jabalpur on 11.6.1993, the date of issuance of caste certificate in question.

28. Statement of S.D. Dwivedi gathered ample support from the evidence of Shahid Khan (DW5), the Tahsildar, who had the occasion to inquire into the genuineness of the caste certificate. According to Shahid Khan, he had found that no case was registered on 11.6.1993 in the Register No.B-121 for issuance of caste certificate in favour of the respondent. While admitting that in the report suggesting that the short signature on the certificate appeared to be that of the then Tahsildar, he had not mentioned that any register was checked by him. As pointed out earlier, genuineness of the caste certificate (Ex.D-7) has been challenged inter alia on the ground that it does not bear any case number.

29. On being shown the copies of the entries (Ex.D-9) in the Register, Shahid Khan has further admitted that –

- (a) Entries relating to the Month of July, 1993 were made on 7.7.1993 from Sl. No.762 onwards.
- (b) Entries at Sl. No.772 and 774 were recorded on 21.7.1993.

(c) Entry at Sl. No. 773, seen by him for the first time regarding issuance of certificate on 11.6.1993, appears to have been made on 19.6.1993.

30. A bare perusal of the abovementioned entries would reveal that they were not recorded by the same person and the dates of registration as well as disposal of the case were interpolated to make the dates falling within 16th and 21st of July, 1993 as 19.6.93 and 11.6.1993 respectively with a view to causing it to be believed that the caste certificate (Ex:D-7) was issued on 11.6.1993 but the corresponding entry was made in the register on 19.6.1993. In the light of these glaring features of the fabrication of the public record, anybody would say that Entry at Sl. No.773 is not genuine. This finding lends assurance to the conclusion that the caste certificate in question does not bear initials/short signature of S.D. Dwivedi and the same is a forged and fabricated document.

OTHER EVIDENCE

31. The criteria for determining tribal character of a community as laid down by the Ministry of Tribal Affairs are as follows -

- (a) Indications of primitive traits
- (b) Distinctive culture
- (c) Geographical isolation
- (d) Shyness of contact with the community at large
- (e) Backwardness

32. The respondent, all along, had knowledge as to (a) his native place (b) caste of his parents (c) birth register and school record and (d) points of distinction between *Majhi* and *Dheemar* Caste in relation to trade, deity, ritual, custom, mode of marriage, death ceremonies and mode of burial etc. but he failed to lead cogent evidence regarding these facts.

33. Thus, the other evidence led by the respondent is also not sufficient to trace out his anthropological and ethnological history in accordance with the method prescribed in Madhuri Patil's case (*supra*).

34. In Geeta v. State of M.P. (2008) 8 SCC 590, cancellation of caste certificate by the Screening Committee on the ground that no documents whatsoever could be produced to show that the appellant belonged to *Majhi* Tribe was upheld by the Supreme Court with the observation that reliance could not be placed on documents not prepared by the competent authority.

35. To sum up, neither the documentary evidence produced by the respondent nor the oral evidence adduced by him is sufficient to substantiate his claim that he is a member of *Majhi* Scheduled Tribe. The fact that he was permitted to contest the earlier elections to the seat reserved for Scheduled Tribe is of no consequence as the authenticity of the caste certificate has not been examined on the judicial side so far. Even otherwise, as explained by the Apex Court in Satrucharla Vijaya Rama Raju's case (above) -

"An adjudication in an election petition does not operate as res judicata. Every election furnishes a fresh cause of action for a challenge to that election. Res judicata is nothing but the merger of a cause of action in a decree, transit in rem judicatum. So, even if the cause of action in the earlier election petition merged in the final adjudication therein, since the subsequent election furnishes a fresh cause of action, the merger of the earlier cause of action with the decision therein cannot bar the trial of the fresh cause of action arising out of subsequent election. An election petition filed, though it abates on the death of the petitioner therein, could be pursued by another person coming forward to prosecute that election petition as enjoined by S. 112 of the Act. But that does not make an election petition a representative action in the sense in which it is understood in law. Therefore, normally, the adjudication in an election petition, not inter-parties, cannot operate as res judicata in a subsequent election petition challenging that subsequent election.

36. To conclude, on one hand, the petitioner has been able to establish his case by a preponderance of probability indicating that the respondent is a *Dheemar* by caste as well as that the caste certificate (Ex.D-7) is not a genuine document and on the other, the respondent has not been able to discharge the onus shifted on him in view of the fact that he had special knowledge in respect of the caste to which he claims to belong. It is trite that election petition is not a suit between two persons but is a proceeding in which Constituency itself is the principal party interested.

37. Since the certificate showing caste of the respondent as *Majhi* has been found to be a forged document, it is held that he was not qualified to be chosen to fill seat in the constituency reserved for the Scheduled Tribes. Accordingly, the Issue No.1 is answered in the affirmative whereas Issue No.2 is decided in the negative.

ISSUE NO.3

38. As explained by R.C. Lahoti, C.J., speaking for the majority on the Constitution Bench in **K. Prabhakaran v. P. Jayarajan AIR 2005 S C 688**, though in a different context -

"The question of qualification or disqualification of a returned candidate within the meaning of S. 100(1)(a) of the Representation of the People Act, 1951 has to be determined by reference to the date of his election which date, as defined in S. 67-A of the Act, shall be the date on which the candidate is declared by the returning officer to be elected. Whether a nomination was improperly accepted shall have to be determined for the purpose of S. 100(1)(d)(i) by reference to the date fixed for the scrutiny of nomination, the expression, as occurring in S. 36(2)(a) of the Act.

... Under sub-CI. (i) of Cl. (d) of sub-sec. (1) of S. 100 of the RPA the improper acceptance of any nomination is a ground for declaring the election of the returned candidate to be void. This provision is to be read with S. 36(2)(a) which casts an obligation on the returning officer to examine the nomination papers and decide all objections to any nomination made, or on his own motion, by reference to the date fixed for the scrutiny of the nominations. Whether a candidate is qualified or not qualified or is disqualified for being chosen to fill the seat, has

to be determined by reference to the date fixed for the scrutiny of scrutiny of nomination".

39. As the genuineness of the caste certificate filed by the respondent along with the nomination paper was questioned, the returning officer ought to have verified as to whether such a certificate was at all issued. Needless to say that the burden of proving that the improper acceptance of a nomination has materially affected the result of the election lies upon the petitioner but where the person whose nomination has been improperly accepted is the returned candidate himself, such would be the obvious conclusion. This issue is, therefore, also answered in the affirmative.

ISSUE NO.6

40. For the reasons aforementioned, the petition stands allowed and the election of the respondent from Badwara Legislative Assembly Constituency No.91 is declared as void. Consequently, the same is set aside.

41. A copy of this judgment be forwarded to the Election Commission as well as to the Speaker of the State Legislative Assembly. There shall be no order as to costs.

Petition allowed.

(R. C. MISHRA)
Judge
10-4-2013

विधि और विधायी (निर्वाचन) कार्य विभाग

भोपाल, दिनांक 8 अगस्त 2013

फा.क्र. 9-वि.निर्वा.-2009-4-447.—भारत निर्वाचन आयोग की अधिसूचना क्रमांक 82-MP-LA-(09-2009)-2013, दिनांक 29 जुलाई 2013 सर्वसाधारण की जानकारी के लिए प्रकाशित की जाती है।

जयदीप गोविन्द, प्रमुख सचिव

भारत निर्वाचन आयोग

निर्वाचन सदन, अशोक रोड, नई दिल्ली—110 001

नई दिल्ली, दिनांक 29 जुलाई, 2013—7 श्रावण, 1935 (शक)

आदेश

सं. 82-म.प्र.-वि.स.- (09-2009)-2013.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, भारत निर्वाचन आयोग द्वारा नवम्बर, 2008 में आयोजित मध्यप्रदेश विधान सभा के लिए 68-सिरमौर विधान सभा निर्वाचन क्षेत्र से श्री राजकुमार उर्मलिया के निर्वाचन को चुनौती देते हुए, श्रीनिवास तिवारी द्वारा दायर की गई वर्ष 2009 की याचिका संख्या 09 (श्रीनिवास तिवारी याचिकाकर्ता बनाम श्री राजकुमार उर्मलिया) के मामले में मध्यप्रदेश उच्च न्यायालय, जबलपुर का दिनांक 3 मई 2013 के निर्णय/आदेश एतद्वारा प्रकाशित करता है।

आदेश से,

हस्ता।/-

(बर्नार्ड जॉन)

सचिव,

भारत निर्वाचन आयोग।

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110 001

New Delhi, Dated 29th July, 2013— 7 Shravana, 1935 (SAKA)

NOTIFICATION

No. 82-MP-LA-(09-2009)-2013.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission of India hereby publishes the judgement/order of the High Court of Madhya Pradesh of Jabalpur Bench dated 3rd May 2013 in Election Petition No. 09/2009 filed by Shrinivas Tiwari Challenging the election of Shri Rajkumar Urmalia to the Madhya Pradesh Legislative Assembly from 68-Sirmour Assembly Constituency,

By Order,
Sd./-

(BERNARD JOHN)

Secretary,

Election Commission of India.

HIGH COURT OF MADHYA PRADESH : JABALPURELECTION PETITION NO.09/2009PETITIONER

: Shriniwas Tiwari,
 S/o Late Shri Mangaldeen Tiwari, aged
 82 years,
 R/o Village Post Tiwani, Tehsil
 Mangawan, Distt. Rewa (M.P.), Present
 address-Amahuya Rewa (M.P.)

VERSUSRESPONDENT

: Rajkumar Urmalia S/o Shri
 Indrajeet Prasad, R/o Village Post
 Dabaura, Tehsil Teonthar, Distt. Rewa
 (M.P.)

GIST OF ORDER PASSED BY HON. SHRI JUSTICE
 R.C. MISHRA ON 03-05-2013.

Whereas an Election Petition has been made to this Hon'ble Court under section 80 read with section 30-A of the Representation of People Act, 1951, on behalf of the petitioner, the learned Single Bench of the High Court of Madhya Pradesh presided over by Shri Justice R.C. Mishra in presence of Shri Susheel Kumar Tiwari with Shri Sanjay K. Agrawal counsel for the petitioner and Shri Dileep Pandey with Shri Neeraj Singh counsel for the respondents, and ordered that no case is made out for interference with the result of the Election of the Legislative Assembly Constituency No.68 Sirnour, District Rewa (M.P.) held in November 2009.

Consequently, the Election Petition is dismissed. There shall be no order as to costs.


 Section Officer

Section Officer
 JUDICIAL BRANCH
 High Court of Madhya Pradesh
 JABALPUR

IN THE HIGH COURT OF MADHYA PRADESH
PRINCIPAL SEAT AT JABALPUR

ELECTION PETITION No.9..... OF 2009

PETITIONER:

Shriniwas Tiwari, S/O Late Shri Mangaldeen Tiwari, aged 82 years, R/O Village Post Tiwani, Tehsil Mangawan, Distt. Rewa (M.P.). Present address- Amahiya Rewa (M.P.).

VERSUS

RESPONDENTS:

Rajkumar Urmalia, S/O Shri Indrajeet Prasad, Village Post Dabaura, Tehsil Teonthar, Distt. Rewa (M.P.).

2. Pradeep Singh 'Patana', S/O Shri Bhagwat Singh, Village Post Mahmoodpur, Tehsil Mangawan, Distt. Rewa (M.P.).
3. Dinesh Pd. Gupta, S/O Gaya Prasad, Village Nagama, Post Sitalaha, Tehsil Teonthar, Distt. Rewa (M.P.).
4. Jagdish Singh Yadav, S/O Ramhit, Village Post Dabaura, Tehsil Teonthar, Distt. Rewa (M.P.).
5. Devendra Kurnar @ Rakesh Gautam, S/O Bhondal Prasad, Village Rangpatela Salaiya Khurd, Post Andwa, Tehsil Teonthar, Distt. Rewa (M.P.).
6. Krishna Dev Dubey, S/O Gangadas, village Bhadara, Post Patahat, Tehsil Teonthar, Distt. Rewa (M.P.).
7. Subedar (Retired) Shankar S/O Ramprakash, Village Post Umari, Tehsil Sirmour, Distt. Rewa (M.P.).
8. Jaiprakash @ Sunil Sharma,

1/

S/O Shri Ramlakhan, Village Badrawan, Post Mau, Tehsil Sirmour, Distt. Rewa (M.P.).

9. Arun Kumar Singh(Patel), S/O Shri Mohanlal Singh, 11 / 22 Opp. Stadium, Anantpur Rewa (M.P.).

10. Kailash Pratap Singh, S/O Shri Sitaram, Village Charpaniyan Purwa, Post Bhanigawan, Tehsil Teonthar, Distt. Rewa (M.P.).

11. Mohanlal Kol, S/O Nathani Kol, Village & Post Badrawan, Tehsil Sirmour, Distt. Rewa (M.P.).

12. Ramkhilawan Nirath, S/O Ramdulare, Village & Post Phathari, Tehsil Sirmour, Distt. Rewa (M.P.).

13. Santeshwar Prasad, S/o Rajaram, Village Post Devkhay, Tehsil Teonthar, Distt. Rewa (M.P.).

14. Smt. Parvati, W/O Mohanlal Kol, Village Post Dabhaura, Tehsil Teonthar, Distt. Rewa (M.P.).

15. Omkarnath Gautam (Sir), S/O Madan Mohan, Village & Sar No.1, Post Ghopi, Tehsil Mangawan, Distt. Rewa (M.P.).

16. Pt. Ram Milan Dwivedi, S/O Jamunaram, Village Dagdaiya, Post Gadha-138, Tehsil Teonthar, Distt. Rewa (M.P.).

17. Dhirendra Tiwari, S/O Keshav Prasad, Village Post Tiwani, Tehsil Mangawan, Distt. Rewa (M.P.).

18. Rajesh Kumar Singh, S/O Rajbahoran Singh, Village Post Tilkhan, Tehsil Sirmour, Distt. Rewa (M.P.).

19. Parmanand, S/O Ganga Prasad, Village Dodiya

Chauhanan, Post Garhi, Tehsil Teonthar, Distt. Rewa (M.P.).

20. Pradeep Pandey, S/O Kailash Prasad, Tehsil Teonthar, Distt. Rewa (M.P.)

21. Kailash Prasad, S/O Jagannath, Village Post Sirmour, Distt. Rewa (M.P.).

22. Govind Pd. Kewat, S/O Indrabhan Dihiya, Post Badrawan, Tehsil Sirmour, Distt. Rewa (M.P.).

23. Kamta, S/O Pati, Village Post Barahula, Tehsil Teonthar, Distt. Rewa (M.P.).

24. Buddhilal, S/O Golar, Village Chaur, Post Patiyari, Tehsil Teonthar, Distt. Rewa (M.P.).

25. Rajendra Prasad, S/O Sita Prasad, Village Post Doha, Tehsil Sirmour, Distt. Rewa (M.P.).

**ELECTION PETITION UNDER SECTION 80 AND 81 OF THE
REPRESENTATION OF PEOPLE ACT 1951**

FACTS:

1. The petitioner is a citizen of India. He is registered as an elector in the voter list of Mangawan Legislative Assembly Constituency No.73 and his name finds mention at serial no.761 in Booth No.159 of the 73 Mangawan Legislative Assembly Constituency in Rewa Distt.
2. The petitioner had been the Member of M.P. Legislative Assembly for Seven terms. He had also been the Speaker of the M.P. Legislative Assembly for two terms.
3. On 31/10/08, the Election Commission of India issued notification for election to the 13th Legislative Assembly in

HIGH COURT OF MADHYA PRADESH : JABALPUR**Election Petition No.9/2009**

Shrinivas Tiwari, son of Late Mangaldeen Tiwari,
 Aged about 82 years, Resident of Village Tiwani
 Tahsil Mangawan Distt. Rewa
 Present Address Amahiya Distt. Rewa ...Petitioner

vs.

1. Rajkumar Urmalia, son of Indrajeet Prasad
 Village Dabaura, Tahsil Teonthar Distt. Rewa
2. Pradeep Singh 'Patana', son of Bhagwat Singh
 Village Mahmoodpur Tahsil Mangawan Distt. Rewa
 &
 23 others ...Respondents

Shri Susheel Kumar Tiwari and Shri Sanjay K. Agrawal,
 Advocates for the petitioner.

Shri Dileep Pandey, Advocate for respondent no.1.

Shri Neeraj Singh, Advocate for respondent no.2.

None for the respondent Nos.3 to 25, though served.

Date of Hearing : 12.2.2013

Date of Judgment : 03.5.2013

JUDGMENT

In this petition, election of the returned candidate viz. the respondent no.1 from M.P. Legislative Assembly Constituency Sirmour No.68 (for short 'the Constituency') has been called in question on the grounds mentioned in sub-clauses (iii) and (iv) of Section 100(1)(d) of the Representation of People Act, 1951 (hereinafter referred to as 'the Act'). The petitioner has further sought –

- (i) an order for re-inspection/re-count of the votes polled in the constituency and on the basis of such re-inspection/re-count of votes, a declaration that the election of respondent no.1 is void.
- (ii) a declaration that he himself has been duly elected from the Constituency.

2. Following facts are not in dispute –

The petitioner had contested the election as a candidate sponsored by Indian National Congress whereas the respondent no.1 was set up as a candidate of Bahujan Samaj Party and the other 24 respondents including respondent no.2, the official candidate of Bhartiya Janta Party, the then ruling party in the State, were also in the fray. As per the calendar of events, notified by Election Commission of India, on 08.12.2008, counting of votes was done in the premises of Govt. Engineering College, Rewa. The respondent no.1 was declared elected, defeating his nearest rival, the petitioner here, by a margin of 309 votes.

3. According to the petitioner, upon conclusion of the counting of votes, he had won the election by securing the highest votes and, accordingly, the official website of Election Commission of India namely www.ceomadhyaapradesh.nic.in also displayed that as the official candidate of Indian National Congress, he had secured 456 votes more than his nearest rival

viz. the respondent no.1, who represented Bahujan Samaj Party. Similar result was broadcast on the National Channel of Doordarshan as well as in the regional news on Bhopal Doordarshan between 7.30 to 7.35 p.m. The release by Press Trust of India and the corresponding result uploaded on the official website of Web Duniya viz. <http://hindi.webdunia.com/election08result/ElectionInfo.htm> also contained the same information. However, at about 9 p.m., to his utter dismay, the Returning Officer informed that he had lost election to respondent no.1 by a margin of 309 votes. Verification revealed that (a) there was a considerable difference of 16 in the number of votes polled including tender votes but excluding postal ballots & the number of votes counted and (b) there was a difference of 947 votes between the final result sheet prepared originally in Form No.20 and return of election in Form No.21-E. Suspecting that the relevant records had been manipulated, he made complaints to the Chief Electoral Officer, Madhya Pradesh, Bhopal and also informed the Chief Election Commissioner of India, New Delhi on 9.12.08 and 13.12.2008 respectively but no action was taken.

4. In the light of these pleadings, the petitioner has asserted that the result of the election, in so far as it concerned the respondent no.1, was materially affected –

- (i) by the improper reception, refusal or rejection of votes and

(ii) by non-compliance with Rule 54A and 56A of Conduct of Election Rules, 1961 (for brevity 'the Election Rules').

5. The respondent no.1, while denying the allegations as to illegalities in the counting of ballot papers, has submitted that the petition is based on forged and fabricated documents as well as on apparently wrong information said to have been disseminated through Website or Television or Radio. As further averred by him, even if it is assumed that the petitioner was precluded from making representation in view of a wrong declaration of result on the website or on the television, he was required to offer an explanation as to why the facts pertaining to improper acceptance or rejection of votes or any manipulation in counting as pleaded were not brought to the notice of the Election Commission of India immediately after official/formal declaration of the result. Attention has also been invited to the fact that no prayer for recounting or re-inspection of votes was made by the petitioner or his counting agent before the Returning Officer as contemplated under Rule 63(2) of the Election Rules or in any of the complaints referred to in the petition.

6. The respondent no.2 has not preferred to file a written statement.

7. On these pleadings, the following issues have been framed. Respective finding is noted against each one of them -

No.	Issues	Finding
1	Whether the records pertaining to the election were manipulated ?	No
2	Whether any votes have been improperly cast in favour of the respondent no.1 ?	No
3	Whether result of the election, in so far as it concerns the respondent no.1, was materially affected by the improper reception, refusal or rejection of any vote or the reception of any vote which is void ?	No
4	Whether result of the election, in so far as it concerns the respondent no.1 was materially affected due to non-compliance with the provisions of the Constitution or of the Representation of the People Act, 1951 or if any rules or orders made under the Act ?	No
5	Whether the election of the respondent no.1 to the constituency deserves to be set aside ?	No
6	Whether the petitioner was declared as elected – (i) on the official website Election Commission of India. (ii) in the news Broadcasted on the National Channel of Doordarshan. (iii) in the release by Press Trust of India and (iv) in the corresponding result uploaded on the official website of Web Dunia. If so the effect ?	Yes, but it had no effect on the actual result of the election
7	Whether the petitioner is entitled to get the votes decoded and recounted ?	No
8	Whether the petitioner is entitled to be declared as elected ?	No

9	Whether the petition is based on forged, fabricated and unauthenticated documents ?	Only (Ex.P/14-A and P/18-C) are such documents
10	Relief and Costs ?	Petition dismissed with no order as to costs.

REASONS FOR THE FINDINGS

ISSUE Nos.6(i) (ii) (iii) and (iv) and 9

8. In support of his assertion that on the website of Election Commission of India and in the corresponding news telecast on Television as well as in the Press Release, he was declared elected by securing a lead of 456 votes over his nearest rival, petitioner Shriniwas Tiwari (PW1) not only examined himself but also produced –

(a) Nagendra Mishra (PW5), a Computer Teacher, who has claimed to have downloaded the information from the Websites of 'Election Commission of India' and 'Chief Election Officer' of the State and handed over the printout (Ex.P-4) to the petitioner, while congratulating him on his success.

(b) Umesh Dixit (PW2), the Editor and Publisher of Daily Newspaper 'Dainik Kirti Kranti', who came forward to say that he had also taken Printout (Ex.P-8) from Website of 'Web Duniya'.

9. In his chief-examination, the petitioner has also made reference to the contents of letters (Ex.P-5 to Ex.P-7), respectively authored by D. Prasad Rao, Director of Doordarshan Kendra, Bhopal, Sunil Kumar Tiwari, the News Editor and A.K. Sharma, In-charge of the Local Office of Press Trust of India at Bhopal, indicating that the news as to his win in the election was broadcast on the basis of the information disseminated by the Election Commission of India on its Website. Nothing could be elicited in his cross-examination so as to render his evidence unworthy of credence or to make any of the aforesaid documents spurious. Incidentally, the respondent no.1 Rajkumar Urmalia (DW1) has only pleaded ignorance about the information regarding petitioner's win on the website. Avadh Bihari Singh (DW8), the District Information Officer deputed by the National Informatics Centre to upload Results of each round of counting from the counting centre directly to the website of Election Commission of India, has also admitted that the website created temporarily did not remain in existence after declaration of the election results. He has further pointed out that every information in the form of Progressive Flash Report uploaded by him was subject to disclaimer.

10. No dispute was raised as to assertion made by respondent no.1 Rajkumar Urmalia (DW1) that Progressive Flash Report (Ex.P-4) also contained wrong information regarding results of the election to Teonthar and Semariya constituencies of Distt. Dewa as- (i) the candidate sponsored by

Indian National Congress was declared elected from Teonthar constituency whereas the successful candidate belonged to Bahujan Samaj Party and (ii) margin of defeat in respect of Semariya constituency was shown as 167 votes as against the actual difference of more than 5000 votes. Further, as rightly pointed out by learned counsel for the respondent no.1, the misleading information as to win of the petitioner by a margin of 456 votes appears to be based on the results of last i.e. 12th round of counting, wherein the margin of votes secured by the petitioner (1681) and polled by the next highest candidate viz. respondent no.2 (1225) was 456 only. It is pertinent to note that in the Progressive Flash Report (Ex.P/4), petitioner was shown to have won the election by defeating his nearest rival, the authorized candidate of Bhartiya Janta Party (not of Bahujan Samaj Party) by 456 votes. Thus, viewed from any angle, it is not possible to say that the Progressive Flash Report (Ex.P-4) was a forged and fabricated document.

11. Coming to the other documents relied on by the petitioner, it may be observed that only genuineness of copies of the result-sheet (Ex.P-14-A and Ex.P-18-C) said to have been made available to him by Rajendra Tiwari (PW3), Sub-Editor of 'Satyaganga', a daily newspaper published from Sidhi and Sanjeev Mohan Gupta (DW2), the Local Editor of Dainik Jagran, Rewa, has been called in question. Returning Officer Mohd. Fatahulla Khan (DW6) has been emphatic in stating that none of these documents was prepared or signed by him while

Horilal Choudhary (DW7), the then Deputy Director, Department of Public Relations, has clearly refuted the suggestion that the documents were made available by the Department to the correspondents of various newspapers. His reply (Ex.D-2) to the corresponding query made by respondent no.1 vide letter-dated 24.10.2009 (Ex.D-1) has also been brought on record. However, he has clearly admitted that the return of election containing relevant data in form (Ex.P/21-E) was forwarded by him to the correspondents of various news papers along with the letter (Ex.P/18-E), amended draft of which (Ex.D/18-D) was retained in the Office.

12. In view of all this evidence, it can easily be concluded that the information regarding win of the petitioner by a margin of 456 votes over his nearest rival, who was wrongly shown as the candidate belonging to Bhartiya Janta Party, was displayed on the official website of Election Commission of India as well as on Web Dunia and was flashed through news channel of Doordarshan and Press Trust of India, a news agency. Still, it had no effect whatsoever on the actual result of the election. Further, amongst the documents produced by the petitioner in support of his allegations as to the illegalities in the counting process, only copies of the so-called result-sheets (Ex.P/14-A and P/18-C) are apparently not genuine documents. The issues are answered accordingly.

ISSUE Nos.1, 2, 3 and 4

13. As per statement of the petitioner Shrinivas Tiwari (PW1), a number of illegalities were committed and records pertaining to the counting of votes were tampered with at the instance of party in power. In support of the allegations, he has highlighted the following facts -

- (i) In the subsequent notification issued on 12.12.2008 by the Publication Department and published in various local news papers, it was admitted that the data reflected in the earlier notification issued on 10.12.2008, were found to be incorrect.
- (ii) Returning Officer had opened only 60 postal ballot papers and noticing that 30 were given to him, did not proceed to open the remaining 305 postal ballots. Moreover, initially, all the 30 votes were shown in the account of respondent no.1.
- (iii) In the 9th round of counting, as many as 1000 votes, which were polled in his favour, were credited to the account of respondent no.2.

14. For the sake of convenience, these allegations may be discussed under the following heads -

COUNTING OF POSTAL BALLOTS

15. Rule 54-A of the Conduct of Election Rules, 1961 (for short 'the Rules'), that prescribes the procedure for counting of postal ballots, reads as under:-

54-A. - Counting of votes received by post. - (1)

The returning officer shall first deal with the postal ballot papers in the manner hereinafter provided.

(2) No cover in Form 13C received by the returning officer after the expiry of the time fixed in that behalf shall be opened and no vote contained in any such cover shall be counted.

(3) The other covers shall be opened one after another and as each cover is opened, the returning officer shall first scrutinise the declaration in Form 13A contained therein.

(4) If the said declaration is not found, or has not been duly signed and attested, or is otherwise substantially defective, or if the serial number of the ballot paper as entered in it differs from the serial number endorsed on the cover in Form 13B, that cover shall not be opened, and after making an appropriate endorsement thereon, the returning officer shall reject the ballot paper therein contained.

(5) Each cover so endorsed and the declaration received with it shall be replaced in the cover in Form 13C and all such covers in Form 13C shall be kept in a separate packet which shall be sealed and on which shall be recorded the name of the constituency, the date of counting and a brief description of its content.

(6) The returning officer shall then place all the declarations in Form 13A which he has found to be in order in a separate packet which shall be sealed before any cover in Form 13B is opened and on which shall be recorded the particulars referred to in sub-rule (5).

(7) The covers in Form 13B not already dealt with under the foregoing provisions of this rule shall then be opened one after another and the returning

officer shall scrutinise each ballot paper and decide the validity of the vote record thereon.

(8) A postal ballot paper shall be rejected-

- (a) if it bears any mark (other than mark to record the vote), or writing by which the elector can be identified; or
- (aa) if no vote is recorded thereon; or
- (b) if noted are given on it in favour of more candidates than one; or
- (c) if it is a spurious ballot paper; or
- (d) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- (e) if it is not returned in the cover sent along with it to the elector by the returning officer.

(9) A vote recorded on a postal ballot paper shall be rejected if the mark indicating the vote is placed on the ballot paper in such manner as to make it doubtful to which candidate the vote has been given.

(10) A vote recorded on a postal ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(11) The returning officer shall count all the valid votes given by postal ballot in favour of each candidate, record the total thereof in the result sheet in Form 20 and announce the same.

(12) Thereafter, all the valid ballot papers and all the rejected ballot papers shall be separately bundled and kept together in a packet which

shall be sealed with the seals of the returning officer and of such of the candidates, their election agents or counting agents as may desire to affix their seals thereon and on the packet so sealed shall be recorded the name of the constituency, the date of counting and a brief description of its contents.

(Emphasis supplied)

16. Admittedly, petitioner Shriniwas Tiwari (PW1) did not remain present during the entire process of counting and had appointed as many as 13 counting agents including Ramashankar Mishra, examined as PW6. It is relevant to note that the petitioner has not preferred to summon the Returning Officer to prove the corresponding pleadings in Paragraphs 15 to 17 of the petition or to summon relevant account of votes recorded by the counting supervisor in Part II of Form 17-C, which is required to be signed by the candidates or their representatives. As such, the case of the petitioner hinges on testimony of Ramashankar Mishra and relevant contents of complaints made to the Chief Electoral Officer, Madhya Pradesh, Bhopal and Election Commission of India (Ex.P-9 and Ex.P-10 respectively).

17. Ramashankar Mishra (PW6) has candidly admitted that –

- (a) First of all, the postal ballots, 365 in number, were taken up for counting at the Returning Officer's table.
- (b) He did not raise any objection as to non-inclusion of 305 postal ballots.

(c) He had not moved any application for recounting of the postal ballots.

18. Thus, Ramashankar Mishra, the petitioner's key witness, has not been able to highlight violation of any Rule or Guideline relating to counting of postal ballots. On the contrary, Mohd. Fahatullah Khan (DW6), the Returning Officer, has also categorically stated that all the 365 postal ballots were opened and were scrutinized in presence of the counting agents and the observers deputed by the Election Commission and as many as 305 postal ballots were declared invalid for these reasons –

- (i) Absence of signature and attestation by any Gazetted Officer on the voter's declaration available on the envelope.
- (ii) Attestation of such a declaration by an officer, who was not competent to do so.
- (iii) Non-availability of the declaration.

Apparently, the reasons were valid in view of sub-rule (4) of Rule 54-A, as highlighted above. Moreover, Mohd. Fahatullah Khan (DW6) has been emphatic in deposing that at the relevant point of time, all the election agents were duly apprised of the reasons for rejecting 305 postal ballots. He has been cross-examined at length but nothing has turned out to establish that any postal ballot was discarded without any basis. He also denied the suggestion that initially, the number

of postal ballots cast in favour of the petitioner was shown as zero. Thus, in absence of any objection raised by the counting agent, it was not possible to accept the allegation that 305 postal ballots were not even opened for counting.

MANIPULATION OF RECORDS

19. Assertion made by petitioner Shriniwas Tiwari (PW1) that in the ninth round of counting, 1000 votes were added to the value of votes polled by the respondent no.2, did not find place in the complaints (Ex.P-9 and Ex.P-10). It also did not gather support from evidence of counting agent Ramashankar Mishra (PW6). Similarly, he did not prefer to substantiate the pleadings to the effect that in all 947 votes had remained unaccounted for. This apart, the complaint (Ex.P-9) made by the petitioner to the Chief Electoral Officer, Madhya Pradesh contained the grievance that 887 votes were excluded from counting whereas in the complaint (Ex.P-10) made to Election Commission of India, it was alleged that in all 887 missing votes were added to the account of BJP candidate i.e. respondent no.2. However, the allegation concerning the missing votes has not been corroborated by Ramashankar Mishra.

20. Further, as admitted by Ramashankar Mishra, -

(a) He had not preserved the plain paper whereon round-wise statement of the votes secured by the petitioner and rival candidates was recorded by him only.

(b) He had not raised any objection as to counting of votes in the ninth round.

21. Petitioner Shriniwas Tiwari has clearly acknowledged that the information that in all 89335 voters had exercised their franchise is based on the newspaper report (Ex.P-12) published in Dainik Kirti Kranti. Horilal Choudhary (DW7), the then Deputy Director, Department of Public Relations, has candidly acknowledged the fact that he had forwarded the final data to the representatives of various newspapers along with the notification (Ex.P-18E). As revealed by Rajendra Tiwari (PW3), the Sub-Editor of 'Satyaganga', the Press Note (Ex.P-16), which corresponds to the notification (Ex.P-18E) as well as the earlier Press Note (Ex.P-15), was received by him on 10.12.2008. The news item (Ex.P-13) published in the newspaper 'Dainik Kirti Kranti' on 11.12.2008 is apparently based on the notification (Ex.P-18E). Sanjeev Mohan Gupta (DW2), the Editor of 'Dainik Jagran', Rewa, has also substantiated the fact that a news item (Ex.P-19) with the heading that "the Election Commission had requisitioned the original data relating to the results of the election", was published in the newspaper on 11.12.2008 whereas Jitendra Mishra (PW4), the Managing Editor of 'Vindhya Bharat', has also acknowledged that news captioned "During counting, how 887 votes were found reduced from Sirmour" published in the newspaper (Ex.P-17) on 12.12.2008, was based on the analysis of data supplied by the Department of Public Relations on 10.12.2008 only. In the light of these

facts, the assertion made by the petitioner that the final data could be issued on 12.12.2008, is not acceptable.

22. As explained by the Supreme Court in Laxmi Raj Shetty v. State of Tamil Nadu AIR 1988 SC 1274 and re-affirmed in S.A. Khan v. Ch. Bhajan Lal (1993) 3 SCC 151 and Ravinder Kumar Sharma v. State of Assam AIR 1999 SC 3571, no presumption, under Section 81 of the Indian Evidence Act, is attached to genuineness of the newspaper reports. Accordingly, petitioner's statement as to inconsistency in the data relating to the number of votes actually cast, does not assume any significance as it was primarily based on newspaper reports.

23. Counting of votes is regulated by Rule 56A, which may be extracted below -

Rules 56A. Counting of votes.-

- (1) *The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.*
- (2) *The returning officer shall reject a ballot paper-*
 - (a) *if it bears any mark or writing by which the elector can be identified, or*
 - (b) *if it is a spurious ballot paper, or*
 - (c) *if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established, or*
 - (d) *If it bears a serial number, or is of design, different from the serial numbers or, as the case may be, design, of the ballot papers authorised for use at the particular polling station; or*

(e) if it does not bear both the mark and the signature which it should have borne under the provisions of sub-rule (1) of rule 38:

Provided that where the returning officer is satisfied that any such defect as is mentioned in clause (d) or clause (e) has been caused by any mistake or failure on the part of a presiding officer or polling officer, the ballot paper shall not be rejected merely on the ground of such defect.

(3) Before rejecting any ballot paper under sub-rule (2), the returning officer shall allow the counting agents present a reasonable opportunity to inspect the ballot paper but shall not allow them to handle it or any other ballot paper.

(4) The returning officer shall record on every ballot paper which he rejects the letter 'R' and the rounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp.

(5) All ballot papers taken out of any one ballot box and rejected under this rule shall be made into a separate bundle.

(6) Every ballot paper which is not rejected under this rule shall be counted as one valid vote.

Provided that no cover containing tendered ballot papers shall be opened and no such ballot paper shall be counted.

(7) After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed,-

(a) the counting supervisor shall fill in and sign Part II- Result of Counting in 4[Form 16 which shall also be signed by the returning officer; and

(b) the returning officer shall make the entries in a result sheet in Form 20 and announce the particulars.

24. Returning Officer Mohd. Fahatulla Khan (DW6), while making reference to return of election in Form 21-E (Ex.P-3), has pointed out that total number of votes polled including 365 postal ballots was 89697 and apparently, there was no discrepancy between the data as reflected in the return and the final result-sheet (Ex.P-2).

25. As concluded already, the copies of the result-sheet (Ex.P-14-A) and (Ex.P-18-C) said to have been made available to him by Rajendra Tiwari (PW3) and Sanjeev Mohan Gupta (DW2) are false documents.

26. Mohd. Fahatulla Khan (DW6) has vividly described the entire process of counting of votes. As per his statement, -

- (a) In the counting area, 14 counting tables excluding his table were placed and the counting was done in as many as 12 rounds.
- (b) After completion of each round of counting, the result was announced on the mike only after its verification by the counting supervisor on the basis of the record available in Part II of Form 17-C and thereafter, satisfaction certificate was obtained from each one of the counting agents.
- (c) None of the counting agents had raised any objection as to counting process in any round of counting.
- (d) The last round of counting was concluded on 8.12.2008 between 4.30 to 4.45 PM and the observer Shri

Pramod Saxena, while expressing satisfaction regarding veracity of the counting process, had issued a certificate and had authorized the Returning Officer to declare the result.

(e) On 8.12.2008 at about 5.20 P.M., the election result was declared and respondent no.1 was declared elected by a margin of 309 votes.

27. While refuting the charge that she was instrumental in tampering with the result of the election under political influence, Dr. M. Geeta (DW5), the then Collector and District Election Officer, has stated that the procedure prescribed for counting of votes and guidelines laid by the Election Commission of India in this regard were scrupulously followed. According to her, after issuance of verification report by the observers deputed by the Commission to supervise the counting process, no altercation in the number of votes obtained by a particular candidate was possible.

28. Evidence of Dr. M. Geeta (DW5) and Mohd. Fahatulla Khan (DW6) reflected a completely dispassionate attitude towards the counting process. The relevant rules provide an elaborate procedure for counting of votes and it contains so many effective safeguards against trickery, mistakes and fraud in counting. Indisputably, petitioner's counting agent Ramashankar Mishra, who had not only recorded the figures of round-wise counting but had also appended his signature on

Part-II of Form 17-C, did not make any demand for re-totaling or re-counting of votes.

29. For these reasons, it is held that neither there was any manipulation in the records pertaining to the election nor any vote was improperly included in the account of respondent no.1. All the aforesaid issues deserve to be answered in favour of respondent no.1.

ISSUE No.7

30. Learned counsel has contended that the instances highlighted by the petitioner are sufficient to justify an order of recount/re-inspection of the votes particularly in view of the fact that the margin of defeat was confined to 309 votes. For this, he has made reference to the following observations made by the Apex Court in **Chanda Singh v. Shiv Ram Varma AIR 1975 SC 403** -

"If the lead is relatively little and/or other legal infirmities or factual flaws hover around recount is proper, not otherwise. In short, where the difference is microscopic, the stage is set for a recount given some plus point of clear suspicion or legal lacuna militating against the regularity, accuracy, impartiality or objectivity bearing on the original counting. Of course, even if the difference be more than microscopic, if there is a serious flaw or travesty of the rules or gross interference a liberal repeat or recount exercise, to check on possible mistake is a fair exercise of power"

However, as explained further -

"Rule 63 of the Conduct of Elections Rules 1961 obligates the candidate to state 'the grounds on which he demands such recount'. It is plain that a mere doubt or small lead or unspecified blemish in the manner of the counting falls short of the needs of the said rule. Under the rule the demand for recount may be rejected if it appears to the Returning Officer to be frivolous or unreasonable. What is not reasonably grounded or seriously supported is unreasonable or frivolous. Suspicions of possible mischief in the process or likely errors in counting always linger in the mind of the defeated candidate when he is shocked by an unexpected result".

"On all hands, it is now agreed that the importance of the secrecy of the ballot must not be lost sight of, material facts to back the prayer for inspection must be bona fide, clear and cogent and must be supported by good evidence. We would only like to stress that in the whole process the secrecy is sacrosanct and inviolable except where strong prima facie circumstances to suspect the purity, propriety and legality in the counting is made out by definite factual averments credible probative material and good faith in the very prayer".

31. Adverting to the facts of the instant case, it may be observed that even if it is assumed that all the 305 postal ballots, not included in the counting, were cast in favour of the petitioner, the result of election would remain unaffected as the margin of win was that of 309 votes.

32. Besides this, none of the respondents has come forward to file recrimination. Needless to say that the right to file a recrimination accrues to the returned candidate or any other

party to the petition the moment an election petition is presented containing a claim for a further declaration that the petitioner himself or any other candidate has been duly elected (**Inamati Mallappa Basappa v. Desai Basavaraj Ayyappa AIR 1958 SC 698** referred to).

33. In **T.A. Ahammed Kabeer v. A.A. Azez (2003) 5 SCC 650**, a two-Judge Bench, speaking through R.C. Lahoti, J. (as His Lordship then was), while analyzing the majority view on the point of recount, as taken by a Constitution Bench in **Jabar Singh v. Genda Lal AIR 1964 SC 1200**, proceeded to explain and elucidate the legal position in the following terms -

- (1) *In an election petition wherein the limited relief sought for is the declaration that the election of the returned candidate is void on the ground under Section 100(1)(d)(iii) of the Act, the scope of enquiry shall remain confined to two questions: (a) finding out any votes having been improperly cast in favour of the returned candidate, and (b) any votes having been improperly refused or rejected in regard to any other candidate. In such a case an enquiry cannot be held into and the election petition decided on the finding (a) that any votes have been improperly cast in favour of a candidate other than the returned candidate, or (b) any votes were improperly refused or rejected in regard to the returned candidate.*
- (2) *A recrimination by the returned candidate or any other party can be filed under Section 97(1) in a case where in an election petition an additional declaration is claimed that any candidate other than the returned candidate has been duly elected.*
- (3) *For the purpose of enabling an enquiry that any votes have been improperly cast in favour of any*

candidate other than the returned candidate or any votes have been improperly refused or rejected in regard to the returned candidate the Election Court shall acquire jurisdiction to do so only on two conditions being satisfied: (i) the election petition seeks a declaration that any candidate other than the returned candidate has been duly elected over and above the declaration that the election of the returned candidate is void; and (ii) a recrimination petition under Section 97(1) is filed.

(4) A recrimination petition must satisfy the same requirements as that of an election petition in the matter of pleadings, signing and verification as an election petition is required to fulfil within the meaning of Section 83 of the Act and must be accompanied by the security or the further security referred to in Sections 117 and 118 of the Act.

(5) The bar on enquiry enacted by Section 97 read with Section 100(1)(d)(iii) of the Act is attracted when the validity of the votes is to be gone into and adjudged or in other words the question of improper reception, refusal or rejection of any vote or reception of any vote which is void is to be gone into. The bar is not attracted to a case where it is merely a question of correct counting of the votes without entering into adjudication as to propriety, impropriety or validity of acceptance, rejection or reception of any vote. In other words, where on a re-count the Election Judge finds the result of re-count to be different from the one arrived at by the Returning Officer or when the Election Judge finds that there was an error of counting the bar is not attracted because the court in a pure and simple counting carried out by it or under its directions is not adjudicating upon any issue as to improper reception, refusal or rejection of any vote or the reception of any vote which is void but is performing mechanical process of counting or re-counting by placing the vote at the place where it ought to have been placed. A case of error in counting would fall within the

purview of sub-clause (iv), and not sub-clause (iii) of clause (d) of sub-section (1) of Section 100 of the Act"

[Emphasis supplied]

34. In an election trial, it is not permissible to Court to permit a party to seek a roving inquiry and therefore, a party must plead material facts and adduce evidence to substantiate the same so that the Court may proceed to adjudicate upon that issue (See, **Kalyan Singh Chouhan v. C.P. Joshi (2011) 11 SCC 786**). The petitioner must not only give the figures of the votes which, according to him, were improperly accepted or rejected, but the basis of the allegation must be disclosed, the serial number of ballot papers must be set out, names of the counting agent, number of counting tables, names of the counting supervisor, round number, details of objection, if any, made to the counting staff, details of the notes, if any, kept by the counting agent and the basis of information must be disclosed (**N. Narayanan v. S. Semmalai AIR 1980 SC 206** relied on).

35. However, in the present case, there is not even an averment that the petitioner's counting agent has challenged correctness of contents of Part II of Form 17-C before the Returning Officer. Further, upon appreciation of the evidence led by the petitioner, allegations made by him as regards irregularities and illegalities during the counting process of votes have been found to be totally baseless and frivolous. In

such a situation, even a *prima facie* case for ordering recount of votes is not made out.

36. Turning to the prayer of re-inspection of votes, it may be pointed out that in paragraphs 15 to 17 of the petition wherein averments pertaining to so-called improper rejection of 305 postal ballot papers have been made, material facts such as serial numbers of the postal ballot papers not opened and the precise objection with regard to each of such ballot papers, if any, raised by the counting agent, have not been stated. In absence of such an information, which the petitioner alone should have known or should be deemed to know, any inspection of the ballot paper would amount to a roving and fishing inquiry. For this, reference may be made to the guidelines laid down by a Constitution Bench in **Ram Sewak Yadav v. Hussain Kamil Kidwai** AIR 1964 SC 1249.

Accordingly, -

"an order for inspection of ballot papers cannot be granted to support vague pleas made in the petition not substantiated by material facts or to fish out evidence to support such pleas. The case of the petitioner must be set out with precision supported by averments of material facts. To establish a case so pleaded an order for inspection may undoubtedly, if the interests of justice require, be granted. But a mere allegation that the petitioner suspects or believes that there has been an improper reception, refusal or rejection of votes will not be sufficient to support an order for inspection."

37. In **Bhabhi v. Sheo Govind AIR 1975 SC 2117**, it was laid down that before the Court can order inspection of ballot papers, in an election petition, the following conditions are imperative -

- (1) *That it is important to maintain the secrecy of the ballot which is sacrosanct and should not be allowed to be violated on frivolous, vague and indefinite allegations;*
- (2) *That before inspection is allowed, the allegations made against the elected candidate must be clear and specific and must be supported by adequate statements of material facts;*
- (3) *The Court must be prima facie satisfied on the materials produced before the Court regarding the truth of the allegations made for a recount;*
- (4) *That the court must come to the conclusion that in order to grant prayer for inspection it is necessary and imperative to do full justice between the parties;*
- (5) *That the discretion conferred on the Court should not be exercised in such away so as to enable the applicant to indulge in a roving inquiry with a view to fish materials for declaring the election to be void; and*
- (6) *That on the special facts of a given case sample inspection maybe ordered to lend further assurance to the prima facie satisfaction of the Court regarding the truth of the allegations made for a recount, and not for the purpose of fishing out materials.*

If all these circumstances enter into the mind of the Judge and he is satisfied that these conditions are fulfilled in a given case, the exercise of the discretion would undoubtedly be proper.

38. Again in Fulena Singh v. Vijay Kumar Sinha AIR 2009 SC 2247, it has been re-affirmed that inspection of election papers mentioned in detail in Rule 93 (a) to (e) is also not a matter of course. Inspection of those papers cannot be ordered and parties cannot be permitted to inspect the same for the purposes of making a roving enquiry in order to fish out the materials and to derive support to one's own case. A clear case is, therefore, required to be made out for ordering the production and inspection of election papers by the parties.

39. To sum up, an order either for inspection or re-count of the votes affects the secrecy of ballot, which is, undoubtedly, sacrosanct and inviolable except where strong *prima facie* case is made out. (Kattinokkula Murali Krishna v. Veeramalla Koteswara Rao AIR 2010 SC 24 referred to)

40. Taking into consideration the factual aspects of the matter as brought on record and the well settled position of law on the subject, as discussed above, the petitioner is not entitled to get the votes decoded or recounted. Accordingly, issue no.7 is answered in the negative.

ISSUE Nos.5 and 8

41. In view of the adverse findings of issue nos.1 to 4 and 7, no interference is called for with the result of the election in question. The issues are, therefore, decided in favour of the respondent no.1.

ISSUE No.10

42. For the foregoing reasons, none of the grounds questioning the validity of the election stands established and therefore, the petition, being devoid of merit, deserves to be dismissed.

43. Accordingly, the election petition is hereby dismissed. There shall be no order as to costs.

44. A copy of this judgment be forwarded to the Election Commission as well as to the Speaker of the State Legislature.

Petition dismissed.

(R. C. MISHRA)

Judge

3-5-2013

विधि और विधायी (निर्वाचन) कार्य विभाग

भोपाल, दिनांक 8 अगस्त 2013

फा.क्र. 7-वि.निर्वा.-2009-4-449.—भारत निर्वाचन आयोग की अधिसूचना क्रमांक 82-MP-LA-(07-2009)-2013, दिनांक 29 जुलाई 2013 सर्वसाधारण की जानकारी के लिए प्रकाशित की जाती है।

जयदीप गोविन्द, प्रमुख सचिव।

भारत निर्वाचन आयोग

निर्वाचन सदन, अशोक रोड, नई दिल्ली—110001

नई दिल्ली, दिनांक 29 जुलाई, 2013—7 श्रावण, 1935 (शक)

आदेश

सं. 82-म.प्र.-वि.स.- (07-2009)-2013.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, भारत निर्वाचन आयोग द्वारा नवम्बर, 2008 में आयोजित मध्यप्रदेश विधान सभा के लिए 143-सिलवानी विधान सभा निर्वाचन क्षेत्र से श्री देवन्द्र सिंह के निर्वाचन को चुनौती देते हुए, श्री राजेश कुमार द्वारा दायर की गई वर्ष 2009 की याचिका संख्या 07 (श्री राजेश कुमार याचिकाकर्ता बनाम श्री देवन्द्र सिंह) के मामले में मध्यप्रदेश उच्च न्यायालय, जबलपुर का दिनांक 18 अप्रैल 2013 के निर्णय/आदेश एतद्वारा प्रकाशित करता है।

आदेश से,

हस्ता।/-

(बर्नाड जॉन)

सचिव,

भारत निर्वाचन आयोग।

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110 001

New Delhi, Dated 29th July, 2013— 7 Shravana, 1935 (SAKA)

NOTIFICATION

No. 82-MP-LA-(07-2009)-2013.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission of India hereby publishes the judgement/order of the High Court of Madhya Pradesh of Jabalpur Bench dated 18th April 2013 in Election Petition No. 07/2009 filed by Shri Rajesh Kumar Challenging the election of Shri Devendra Singh to the Madhya Pradesh Legislative Assembly from 143-Silwani Assembly Constituency,

By Order,
Sd./-

(BERNARD JOHN)

Secretary,

Election Commission of India.

HIGH COURT OF MADHYA PRADESH : JABALPUR**ELECTION PETITION No.7/2009**

Rajesh Kumar, son of Sitaram,
aged about 29 years, resident of Ward No.3,
Udaipura, Distt. Raisen ...Petitioner
vs.

Devendra Singh, son of Ram Prasad,
aged about 33 years,
resident of Khanpur, Post Office Chandbad,
Begumganj, Distt. Raisen ...Respondent

Shri Manoj Sharma with Rajmani Mishra, Advocates for
the petitioner.

Shri Imtiyaz Husain with Shri R.B. Patel, Advocates for the
respondent.

Date of Hearing : 22/1/2013

Date of Judgment : 18/4/2013

JUDGMENT

In this petition, election of the returned candidate viz. the respondent to the M.P. Legislative Assembly Constituency No.143, Silwani has been called in question on the ground of improper rejection of the nomination paper, as contemplated in clause (c) of sub-section (1) of S.100 of the Representation of the People Act, 1951 (for short 'the Act'). The petitioner has sought declarations to the effect that (a) the order dated 8.12.2008 passed by the Assistant Returning Officer was illegal and (b) election of the respondent to the Constituency is void.

2. The corresponding calendar was notified as under –

(1)	Last date for filing of nomination papers	:	07.11.2008
(2)	Scrutiny of nomination papers	:	08.11.2008
(3)	Withdrawal of nomination papers	:	10.11.2008
(4)	Date of election	:	27.11.2008
(5)	Declaration of results	:	08.12.2008

3. Indisputably, on 11.8.2008, the petitioner's nomination paper, a copy of which has been tendered in evidence as Exhibit P-1, was rejected for the reason that he, being an elector of a different constituency namely M.P. Legislative Assembly Constituency Udaipura No.140, had failed to submit a copy of the electoral roll of that constituency or certification from ERO of that constituency, as per requirement of sub-section (5) of Section 33 of the Act.

4. According to the petitioner, rejection of the nomination paper was wholly arbitrary, illegal and against the relevant provisions of the Act, as contained in Sections 33(4), 33(5), 36(2)(b), 36(4) and 39(2)(c) thereof. In support of the assertion, he has further pleaded that –

(A) the nomination form, in the prescribed format, filed in support of his candidature as an independent candidate, was –

- (i) duly completed by him in all respects and
- (ii) signed by himself
- (iii) subscribed by 10 proposers, who are electors of the constituency as required by Section 33(1) of the Act.

(B) Since he was an elector of a different constituency, he had also filed a copy of the relevant part of the electoral roll of that constituency as required by sub-section (5) of Section 33 of the Act.

(C) Letter of Tahsildar (Annexure P-2) clearly reflected that he had annexed a copy of the relevant part of the electoral roll in compliance with provision of sub-section

(5) of the S.33 of the Act and even otherwise, in view of the decision in Rakesh Kumar v. Sunil Kumar AIR 1999 SC 935, the Assistant Returning Officer should have afforded an opportunity of hearing to him before rejecting the nomination paper.

5. While raising preliminary objections to the effect that the petition deserves to be dismissed at the threshold for –

- (a) want of compliance with the provision of Section 81(3) of the Act.
- (b) non-compliance with the requirements of Section 83(1)(c) of the Act.
- (c) absence of a common authorship in signatures on the nomination paper as well as on the petition.

- the respondent, in his written statement, has submitted that rejection of the petitioner's nomination paper was justified in view of the facts that despite grant of opportunity, he did not furnish certified copy of the electoral roll of the constituency which he belonged to and that the photocopy of the electoral roll submitted on his behalf, was not sufficient to establish his identity. According to him, the nomination form was liable to be rejected for other reasons also namely –

- (i) It did not bear signature of the petitioner.
- (ii) Provision of Article 173(a) of Constitution of India was not complied with.
- (iii) The petitioner had made contradictory statements regarding his caste.

6. In the light of these pleadings, the following issues have been framed and amongst them, issue nos.3(a) and 3(b), based on legal objections, have already been decided vide order dated 11.1.2010 as preliminary issues -

No.	Issues	Finding
1	Whether the nomination of the petitioner was improperly rejected.	No
2	Whether the nomination form also deserved rejection for the reasons that- <ul style="list-style-type: none"> (i) it did not bear signature of the petitioner. (ii) for want of compliance with Article 173(a) of the Constitution of India. (iii) the petitioner has made contradictory statements regarding his caste 	No No No
3	Whether the petition is liable to be dismissed at the threshold for- <ul style="list-style-type: none"> (a) want of compliance with the provision of Section 81(3) of the Representation of the People Act, 1951 (for short 'the Act'). (b) non-compliance with the requirements of S.83 (1) (c) of the Act. (c) absence of a common authorship in signatures on the nomination paper as well as on the petition. 	No No No
4	Whether the election of the returned candidate deserves to be set aside on the ground mentioned in Section 100(1)(c) of the Act.	No
5	Reliefs and costs?	Petition dismissed with no order as to costs

ISSUE Nos.2(i) and 3(c)

7. The petitioner (PW2) has clearly asserted that the nomination paper (Ex-1), though filled by Neeraj Shrivastava

(PW3), an Advocate practicing at Udaipura, bears his signatures only. His statement has drawn ample support not only from evidence of Neeraj Shrivastava but also from a candid admission made by respondent Devendra Singh (DW1) in his chief examination recorded on 2.2.2012 to the effect that the form was submitted before the Returning Officer by the petitioner only. From the tenor of his deposition, it is evident that his objection to the genuineness of signatures of the petitioner on the nomination form is based on the allegation that the same are dissimilar to his admitted signatures on the petition. In such a situation, his application, under Section 45 of the Evidence Act, for summoning an handwriting expert to compare the signature was rejected vide order-dated 20.6.2012 while endorsing the contention raised by the petitioner that it is not uncommon to find difference in the signatures of the same person even after a short interval of time. The relevant excerpt of the order may be reproduced as under -

20. However, fact of the matter is that in accordance with Section 81(1) of the Act, an election petition has to be presented in person before the Registrar of the Court and the corresponding report of the Registry raises a presumption, though rebuttable, that the petition was filed by the petitioner himself. Moreover, for establishing that while filing the nomination paper, someone else has impersonated himself as the petitioner, the Returning Officer would be the best witness. The well-settled position of law on the comparison of disputed signature/writing with the admitted signature/writing has already been discussed. This apart, it is trite that the effect of an

alleged admission depends upon the circumstances in which it was made. For this, the following illuminating observations made by the Supreme Court in Nagubai Ammal v. B. Shama Rao AIR 1956 SC 593 may usefully be quoted -

"an admission is not conclusive as to the truth of the matters stated therein. It is only a piece of evidence, the weight to be attached to which must depend on the circumstances under which it is made. It can be shown to be erroneous or untrue, so long as the person to whom it was made has not acted upon it to his detriment, when it might become conclusive by way of estoppel."

21. *To sum up, it is neither expedient in the interests of justice nor desirable to summon the Handwriting Expert for opinion on the aforesaid point. This I.A. also deserves rejection with costs.*
8. It is relevant to note that for the reasons recorded in the same order, respondent's yet another application for summoning the Returning Officer as a Court Witness was dismissed with liberty to call the officer in evidence as his own witness. But, the respondent has not preferred to do so.
9. In the light of the oral evidence brought on record as well as the presumption attached to the correctness of the report of the Registry, it is not possible to hold that signatures of the petitioner either on the nomination form or on the election petition were not genuine. Both the issues, therefore, deserve to be and are answered in the favour of the petitioner.

ISSUE No.2(ii) AND 2(iii)

10. Even though, respondent Devendra Singh (DW1) has been emphatic in stating that during his presence from 1 p.m. to 2 p.m. in the election office, the petitioner, despite being asked by the Returning Officer to do so, had failed to make and subscribe the requisite oath, as enjoined by Article 173(a) of the Constitution of India yet, he has not been able to explain his own conduct in not making any complaint before the Returning Officer as well as in not incorporating the corresponding pleading in the written statement. Moreover, as concluded already, none of the signatures on the nomination form purporting to be appended by the petitioner including the one available on the form of oath can be treated as an ingenuine one. Thus, there is nothing on record to doubt correctness of the contents of the form of oath, duly signed by the authorized person, suggesting that the petitioner had subscribed the oath on 7.11.2008 at 1.20 p.m.

11. Coming to the issue no.2(iii), it may be observed that, admittedly, Silwani Seat in the Legislative Assembly Constituency was declared reserved for the Scheduled Castes of the State. The nomination form (Ex.P-1) read as a whole clearly reflects that the petitioner had sought to contest the election as a member of Scheduled Caste 'Mehra'. As such, the error crept in showing him as a candidate belonging to General Category on one of the pages of the form was not sufficient to reject the same on the ground of disqualification.

12. For these reasons, both the issues are decided in the negative.

ISSUE No.1

13. At the outset, it may be observed that in absence of corresponding pleadings, the statement on oath made by petitioner Rajesh Kumar to the effect that neither at the time of presentation nor at the time of scrutiny, he was informed about any defect in the nomination form cannot be accepted. Further, contents of the letter (Ex.P-2) dated 12.1.2009 authored by Aditya Sharma, the then Tahsildar, Begumganj, clearly indicates that the petitioner had filed only a photocopy of the relevant extract of electoral roll of Udaipura Constituency.

14. As pleaded by the petitioner, he has substantially complied with the requirement of sub-section (5) of Section 33 of the Act by annexing copy of the relevant part of the electoral roll. In order to show that copy [Ex.P-1A] is a true copy of the relevant extract of the electoral roll, the petitioner, while placing reliance on decision of the Punjab High Court in Bansi Ram v. Jit Ram AIR 1964 PUNJAB 231, has sought to bring on record a certified copy of the electoral roll (Ex.P-3). The objection taken by the respondent on the ground that the covering page of the certified copy containing description of the document to be copied, was not filed along with the election petition, was kept reserved for being decided on merits.

15. To fortify the objection that the document (Ex.P-3) cannot be taken into consideration, reliance has been placed to the following observations made by a Constitution Bench in Ranjit Singh v. Pritam Singh AIR 1966 SC 1626 -

"Section 33 (5) requires that it is the copy produced by the candidate which should show whether he is qualified or not and for that purpose a copy produced by the candidate should be complete whether it is of the roll or of the relevant part thereof. To such a case S.36 (4) has no application.

16. Before proceeding further, it would be necessary to advert to the relevant provisions as contained in sub-section (5) of Section 33 and sub-sections (1) and (4) of Section 36 of the Act. The provisions read -

Section 33. Presentation of nomination paper and requirements for a valid nomination

(5) Where the candidate is an elector of a different constituency, a copy of the electoral roll of that constituency or of the relevant part thereof or a certified copy of the relevant entries in such roll shall, unless it has been filed along with the nomination paper, be produced before the returning officer at the time of scrutiny.

Section 36. Scrutiny of nominations

36. Scrutiny of nominations.—(1) On the date fixed for the scrutiny of nominations under Section 30, the candidates, their election agents, one proposer of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as the returning officer may appoint; and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in Section 33.

(2) ...

(3) ...

(4) The returning officer shall not reject any nomination paper on the ground of any defect which is not of a ~~substantial~~ character.

17. A bare perusal of the judgment rendered in Bansi Ram's case (*ibid*) would reveal that it is based on a three-judge Bench decision of the Supreme Court in N. T. Veluswami Thevar v. G. Raja Nainar AIR 1959 SC 422 propounding that -

“..evidence can be adduced before the Election Tribunal on the point of the nomination paper having been improperly rejected; the Election Tribunal is not confined only to the material actually placed before the Returning Officer, Section 36 unequivocally lays down that the Returning Officer has only to hold such summary enquiry as he thinks necessary. The statute does not lay down anywhere that the Election Tribunal trying the issue relating to improper rejection of a nomination paper in an election petition is bound to confine itself only to the material available to the Returning Officer at the time of scrutiny. Keeping in view the paramount importance of the election of the representatives of the people to our Legislatures the right to seek election could not have been intended by the Parliament to depend on summary enquiry of the Returning Officer as contemplated by Section 36. The Election Tribunal is therefore well within its power in considering the question of the propriety and legality of the order of rejection of nomination papers on the evidence produced in the course of the trial of the election petition.

18. Accordingly, the objection is overruled and the document (Ex.P-3) is admitted in evidence. However, the fact remains that the copy (Ex.P-1A) is an incomplete copy of the part of the electoral roll of which Ex.P-3 is a certified copy. Apparent defects are -

- (i) it is a photocopy and, as such, there was no possibility of the document being compared with original, which, at the relevant point of time, was in the office of Returning Officer for Udaipura Constituency.
- (ii) it is not attested even by the petitioner himself.
- (iii) copy of the covering page containing description or the receipt comprising particulars of copying application, if any, made by the petitioner is not annexed thereto.
- (iv) details of the part of the electoral roll are not reflected.
- (v) it included details of most of the other voters as mentioned in the electoral roll along with his/her photograph but the space for photograph of the petitioner is left blank.

19. In Ranjit Singh v. Pritam Singh AIR 1966 SC 1626, a Constitution Bench had the occasion to consider the purport and object of sub-section (5) of Section 33 of the Act. K.N. Wanchoo, J. (as his Lordship then was), speaking for the Court, observed –

7. The object of this provision obviously is to enable the returning officer to check whether the person standing for election is qualified for the purpose. The electoral roll of the constituency for which the returning officer is making scrutiny would be with him, and it is not necessary for a candidate to produce the copy of the roll of that constituency. But where the candidate belongs to another constituency the returning officer would not have the roll of that other constituency with him and therefore

the provision contained in S. 33 (5) has been made by the legislature to enable the returning officer to check that the candidate is qualified for standing for election. For that purpose the candidate is given the choice either to produce a copy of the electoral roll of that other constituency, or of the relevant entries in such roll before the returning officer at the time of the scrutiny, if he has not already filed such copy with the nomination paper.....

12.That provision [sub-section (4) of S.36] is to the effect that the returning officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character. But the non-production of a complete copy of the relevant part in our opinion is a defect of a substantial character for it makes it impossible for the returning officer to decide whether the candidate is qualified or not. Qualification for standing for election is a matter of substantial character".

20. Still, making extensive reference to Paragraphs 19 to 21 of a three-judge Bench decision in Rakesh Kumar's case, learned counsel for the petitioner has strenuously contended that principles of natural justice could not be excluded from the election process. According to him, non-grant of opportunity of hearing by the returning officer to meet the objection before rejecting the nomination form, by itself, is sufficient to render the rejection as illegal.

21. However, a close analysis of the factual aspects in Rakesh Kumar's case (supra) would show that –

(a) the last date of filing nominations was 20-1-1997 and the date of polling was 6-2-1997 and, therefore, the case related to a period prior to the amendment of the Symbols Order on 20-5-1999 by which para 13-A has been added. Two persons, namely, Sunil Kumar and Veer Abhimanyu had submitted Forms A and B claiming to be candidates of the Bhartiya Janta Party. At the time of scrutiny, the Returning Officer suo motu raised an objection to the effect that since BJP had set up more than one candidate, none could be treated as a candidate of the said political party and rejected the nomination papers of both Sunil Kumar and Veer Abhimanyu. Sunil Kumar made an application stating that he was the official candidate of the party and he requested for twenty-four hours' time to produce an official confirmation of his candidature but the application was rejected and no time was given, though no other candidate (including Veer Abhimanyu) had raised any objection.

(b) Since the political party in question had not rescinded the earlier Form B notice, the Returning Officer after declining the request made by one of the candidates for time to produce the official confirmation of his candidature by the party, proceeded to reject the nomination of both the candidates set up by the party as well as the nomination of the substitute candidates.

22. It was in the context of the aforesaid facts that the Apex Court proceeded to hold that the Returning Officer ought to have granted him time to meet the objection in the interest of justice and fair play as he was not expected to reject

nomination paper without giving an opportunity to the candidate or his representative present at the time of scrutiny to meet an objection capable of being made, particularly, where such an opportunity is sought for by the candidate or his representative. For a ready reference, the relevant observations may be reproduced thus -

... The legislature in its supreme wisdom did not amend the proviso to Section 36 (5) of the Act after Section 33 (1) was amended in 1996, thereby clearly exhibiting its intention that the said proviso was required to be given its full effect, more particularly because the duty which a returning officer performs while scrutinising the nomination papers is quasi judicial in character, even after Section 33 (1) had been amended.

The proviso to Section 36(5) of the Act lays down :

Provided that in case (an objection is raised by the returning officer or is made by any other person) the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the returning officer shall record his decision on the date to which the proceedings have been adjourned.

*... Through the proviso, the legislature has provided that in case an objection is raised during the scrutiny, to the validity of a nomination paper of a candidate, the Returning Officer, may, give an opportunity to the concerned candidate to rebut the objection by giving him time "not later than the next day". This is in accord with the principles of natural justice also. Since, no other candidate had raised any objection to the claim of the respondent of being the official candidate of BJP, and the objection had been raised by the Returning Officer *suo motu*, the mandate of the proviso to Section 36 (5) of the Act warranted the holding of a summary enquiry, to determine the validity of the*

nomination paper by the returning officer, while exercising his quasi-judicial function. In the present case, the respondent had sought an opportunity to meet the objection, but even if he had not sought such an opportunity, the returning officer ought to have granted him time to meet the objection in the interest of justice and fair play.

23. This apart, as pointed out further –

"The Returning Officer would have been justified in rejecting the nomination paper of the respondent, had the respondent either not sought an opportunity to rebut the objection raised by the Returning Officer or was unable to rebut the objection within the time allowed by the returning officer."

Having raised the objection suo motu, the request of the respondent who was present and sought time in writing to seek clarification from the BJP as to who was its official candidate, the Returning Officer in all fairness was obliged to grant time to the respondent as prayed for by him and postponed the scrutiny to the next day but he ought not to have rejected his nomination paper in hot haste. The Returning Officer, obviously, failed to exercise his jurisdiction under Section 36(5) of the Act properly and thereby fell into a grave error in rejecting the nomination paper of the respondent."

24. However, the facts of the instant case are distinguishable as it has nowhere been pleaded by the petitioner that he or his authorized representative had remained present at the time of scrutiny of the nomination paper and had requested for postponing the scrutiny to the next day so as to enable him to file a complete copy of the relevant extract of the electoral roll.

25. It is trite that if an election petitioner wants to put forth a plea that a nomination was improperly rejected to declare an election to be void it is necessary to set out the averments for making out the said ground. The reason given by the Returning Officer for refusal to accept the nomination and the facts necessary to show that the refusal was improper is required to be set out in the election petition. In the absence of the necessary averments it cannot be said that the election petition contains the material facts to make out a cause of action (See **Nandiesha Reddy v. Kavitha Mahesh, (2011) 7 SCC 721**). In this view of the matter, the petitioner's assertion that he himself had remained present at the time of scrutiny, not being in line or consistent with the pleadings, cannot be looked into or relied upon and as an obvious consequence, the principle laid down in **Rakesh Kumar's** case is of no avail to the petitioner.

26. The other provisions relevant to the present discussion and contained in sub-sections (6), (7) & (8) of Section 36 of the Act, may also be extracted thus:-

(6) *The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.*

(7) *For the purposes of this section, a certified copy of an entry in the electoral roll for the time being in force of a constituency shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that constituency, unless it is proved that he is subject to a disqualification mentioned in Section 16 of the Representation of the People Act, 1950 (43 of 1950).*

(8) *Immediately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, the returning officer shall prepare a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid, and affix it to his notice board.*

27. As indicated already, the so called copy of relevant part of the electoral roll (Ex.P/1A) pertaining to Udaipura Constituency was not a complete copy and in terms of Sub-Section (5) of Section 33, the requisite copy of the Electoral Roll could be produced only either with the nomination paper or at the time of scrutiny. While pointing out that the statute does not contemplate any other time for production of such copy, a three Judge Bench of the Supreme Court in Jeet Mohinder Singh v. Harminder Singh Jassi AIR 2000 SC 256, following to the Constitution Bench judgment in Ranjit Singh's case (above) has restated the settled legal position in the following words -

".....Where the candidate is an elector of a different constituency, Section 33(5) prescribes the 'manner' of proving the factum of the candidate being an elector of a different constituency in one of the three modes : (i) by producing a copy of the electoral roll of that constituency or (ii) a copy of the relevant part thereof or (iii) a certified copy of the relevant entries in such roll. Any other mode of proof is excluded. This has been explained by the Constitution Bench of this Court in Ranjit Singh v. Pritam Singh, AIR 1966 SC 1626. So far as the time is concerned, as we will deal with shortly hereinafter the earliest and outer limits of time are prescribed.

The requisite document has to be produced either with the nomination paper which is the earliest point of commencement of time limit or at the scrutiny of the nomination papers which is the outer limit. It is pertinent to note that Section 33(5) does not specifically provide who shall produce the requisite document before the returning officer. All that it provides for is that one of the three the documents must be produced."

28. Taking into consideration all these factual and legal aspects of the matter, it is also not possible to hold that the Returning Officer had committed any impropriety in rejecting the petitioner's nomination form. The conclusion can be summed up in no better words than the following used by the Apex Court in **Narbada Prasad v. Chhagan Lal AIR 1969 SC 395 –**

"There was no compliance with the provisions of Section 33 (5) of the Representation of the People Act and there was no power in the court to dispense with this requirement. It is a well-understood rule of law that if a thing is to be done in a particular manner it must be done in that manner or not at all. Others modes of compliance are excluded.

..... non-compliance with Sec. 33 (5) is a defect of a substantial character and is not covered by Section 36 (4) of the Act. The Returning Officer in this case rightly rejected the nomination paper of Jivabhai and the rejection cannot be held to be improper."

Accordingly, the issue no.1 is decided in favour of the respondent.

ISSUE No.4

29. In the light of the findings of issue nos.(1), (2) and (3), no case is made out for interference with the result of the election in question. The issue is, accordingly, answered in the negative.

ISSUE No.5

30. Consequently, the election petition is dismissed. There shall be no order as to costs.

31. A copy of this judgment be forwarded to the Election Commission as well as to the Speaker of the State Legislative Assembly.

(R. C. MISHRA)

Judge

18-4-2013